

Chapter 20
ZONING ORDINANCE
FOR
TOWN OF HOLLAND

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TOWN OF HOLLAND PLAN COMMISSION

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Notice:

The Town Clerk keeps the official copy of the Ordinances for the Town of Holland. All electronic and paper copies of this ordinance are provided for convenient reference, and are noted as a reference copy in the header on each page. If there is a discrepancy between any reference copy and the official copy retained by the Town Clerk, the official copy of this ordinance will take precedence.

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Section 20.01 INTRODUCTION

20.01.01 Authority

This Ordinance is adopted under the authority granted by Sections 60.61, 60.62, 61.35, and 62.23 of the Wisconsin Statutes and amendments thereto.

20.01.02 Title

This Ordinance shall be known as, referred to as, and cited as the “ZONING ORDINANCE FOR TOWN OF HOLLAND, SHEBOYGAN COUNTY, WISCONSIN” and hereinafter referred to as the “Ordinance”.

20.01.03 Purpose

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Holland.

20.01.04 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and water, and to:

1. Stabilize and protect property values.
2. Provide for the needs of agriculture, forestry, industry, and business in future growth.
3. Regulate the use of land and further conservation of natural resources.
4. Encourage the wise use, conservation, development, and protection of the Town of Holland’s water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.
5. Preserve the natural beauty of the Town of Holland.
6. Regulate population density and distribution to avoid urban sprawl.
7. Facilitate the adequate provision of public facilities and utilities.
8. Lessen congestion and promote the safety and efficiency of streets, highways, and other transportation systems.
9. Provide adequate light, air, sanitation, drainage, and open space.
10. Regulate the use of structures, lands, and waters.
11. Regulate lot coverage, population density and distribution, and the location and size of structures.

12. Prohibit uses or structures incompatible with the natural characteristics, existing development, or intended development within or adjacent to a zoning district.
13. Secure safety from fire, pollution, contamination and other dangers.
14. Implement the town, county, watershed, and regional comprehensive plans or their components adopted by the Town of Holland.
15. Provide for the administration and enforcement of this Ordinance and provide penalties for violation of this Ordinance.

20.01.05 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

20.01.06 Interpretation

In the interpretation of this Ordinance and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Holland and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

20.01.07 Severability and Non-Liability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

The Town of Holland does not guarantee, warrant, or represent that only those areas delineated as floodlands, wetlands, or drainage ways will be subject to periodic inundation, nor does the Town of Holland guarantee, warrant or represent that any soils listed as being unsuited for specific uses are the only unsuitable soils and hereby asserts that there is no liability on the part of the Board of Supervisors, its agencies, or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.

20.01.08 Repeal of Conflicting Ordinances

All other ordinances or parts of ordinances of Town of Holland inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

Section 20.02 DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “he” includes the word “she”. The word “shall” is mandatory, the word “should” is advisory, and the word “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

1. *Accessory Use or Structure*
A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
2. *Airport, Public*
Any airport that complies with the definition contained in Section 114.002, Wis. Stats., or any airport that serves or offers to serve any common carriers engaged in air transport.
3. *Alley*
A special public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.
4. *Alternative Tower Structure*
Man-made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including by way of illustration but not limited to elevated tanks, electric transmission poles or towers, non-residential buildings, clock towers, bell steeples, and silos. See Communication Tower.
5. *Animal Unit*
One animal unit shall be defined in accordance with Ch. NR 243.11(3), Wis. Adm. Code. If the animal is not listed in the above regulation, the Town Board shall determine the calculation for such animal.
6. *Antenna*
Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), or any other form of wireless telecommunication signal, including radio, television, telephone, microwave, cellular, and PCS signals. See Antenna Array.

7. *Antenna Array*
A set of interconnected antennas installed on one tower by one telecommunications provider that receive and/or transmit one type of telecommunications signal.
8. *Area, Net Developable*
Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.
9. *Arterial Street (See Streets)*
10. *Automobile Salvage Yard*
Any premises on which two or more disassembled, inoperable, junked or wrecked motor vehicles are stored in the open. (see JUNKYARD)
11. *Basement*
A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 ½ feet, which, if used for dwelling, office, or similar purposes, shall be counted as a story.
12. *Boarder*
An individual other than a member of the family occupying the dwelling unit or part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.
13. *Boarding House*
A dwelling or part thereof, other than a hotel or motel, in which the owner or operator provides lodging to more than 3 boarders.
14. *Boathouse, Private*
A building designed exclusively for the sheltering of boats or related marine equipment, not below the ordinary high water mark of a navigable body of water and not used for human habitation. (A boathouse with rooms above for lodging is defined as a residence and shall be treated as such in this Ordinance.)
15. *Buildable Lot Area*
The portion of a lot remaining after required yards have been provided.

16. *Building*
Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials of any kind or nature.
17. *Building, Accessory*
A subordinate structure on the same lot as the principal building or use occupied or devoted to a use incidental to the principal use.
18. *Building, Principal*
A building in which the principal use of the lot on which it is located is conducted.
19. *Building Coverage*
The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
20. *Building Height*
The vertical distance of a building measured from the average elevation of the finished grade along the front yard face of the structure to the highest point of the roof.
21. *Building Line*
A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.
22. *Bulkhead*
A retaining wall created along a body of water behind which fill is placed.
23. *Bulkhead Line*
A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wis. Stats., and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this Ordinance.
24. *Business*
An occupation, employment, or enterprise that occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.
25. *Car Wash*
A structure containing facilities for washing vehicles using a chain conveyor or other method of moving the vehicles along, and automatic or semi-automatic application of cleaner, brushes, rinse water, and heat for drying.

26. *Carport*
A structure having a roof, with or without supporting walls, posts, or columns, used, designed, or intended to be used for the protection or shelter of private motor vehicles. For the purposes of this Ordinance, a carport shall be considered to be the equivalent of a garage.
27. *Cellar*
A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 ½ feet.
28. *Clinic*
An establishment for the medical examination and treatment of patients, but where patients are not usually lodged overnight. For the purposes of this Ordinance, a doctor's or dentist's office in his own home, when it complies with the requirements of this Ordinance relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of 2 or more doctors or dentists, whether in a residence or not, shall be considered a clinic.
29. *Club*
An association of persons organized for some common purpose and usually characterized by membership qualifications, payment of dues, regular meetings, and a constitution and by-laws, but not including groups organized primarily to render a service that is customarily carried on as a business (i.e. racquet clubs operated for profit).
30. *Cluster Development*
A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more Cluster Groups surrounded by common open space.
31. *Cluster Group*
A group of single-family detached dwellings within a cluster development, surrounded by common open space that comprises at least 60 percent of the gross tract area. The rear lot lines of the lots within the group shall define the outer boundary of a cluster group.

32. *Co-Location*
Location of antennas or antenna arrays operated by more than one wireless communication service provider on a single tower or alternative tower structure.
33. *Common Elements*
Land amenities, parts of buildings, central services and utilities, and any other facilities owned and used by all condominium unit owners and designated in the master deed as common elements.
34. *Common Facilities*
All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster group, including, but not limited to, buildings, open space, private street, parking areas, walkways, recreation areas, drainage easements, and any utilities that serve more than one unit, such as sewerage and water-supply facilities.
35. *Communication Tower*
Any structure that supports one or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, and alternative tower structures, and further including all bases and supports for the structure of the tower.
36. *Community Association*
A Condominium Association or Homeowner's Association.
37. *Community Living Arrangement*
The following facilities licensed or operated or permitted under the authority of Wisconsin State Statutes: child welfare agencies under Section 48.60, Wis. Stats., group homes or foster homes under Section 48.02(6) and (7), Wis. Stats., and community-based residential facilities under Section 50.01, Wis. Stats., but does not include day-care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with Sections 46.03(22), 59.69(15) and 62.23(7)(i), Wis. Stats., and amendments thereto.
38. *Comprehensive Plan (also Master Plan)*
A comprehensive long-range plan intended to guide the growth and development of a community or region, and one that includes analysis, recommendations, and proposals for population, housing, economy, transportation, community facilities, and land use.
39. *Concentrated Animal Feeding Operation (CAFO)*
An animal feeding unit as defined in Ch. NR 243, Wis. Adm. Code, as amended.

40. *Conditional Use*
A use of a special nature as to make impractical its predetermination as a permitted use in a district.
41. *Condominium*
A form of real property ownership under which a declaration of condominium has been recorded pursuant to Chapter 703, Wis. Stats. Typically, a building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
42. *Condominium Association*
The community association that administers and maintains the common property and common elements of a condominium.
43. *Conservation Easement*
The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future addition or development.
44. *Day Care Center*
An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to Section 48.65, Wis. Stats.
45. *Deed Restriction*
A restriction upon the use of a property set forth in a deed.
46. *Density, Gross*
The number of dwelling units permitted on a development tract based on a formula in which the gross acreage is divided by a specified density factor. Net acreage (or net buildable area, NBA) is defined as the area remaining after all or a portion of the area occupied by existing street rights-of-way, utility rights-of-way, floodplain, wetlands, woodlands, water, and steep slopes is deducted.
47. *Development*
The division of a parcel of land into 2 or more parcels; or any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
48. *Dwelling*

A building designed or used exclusively as a residence or sleeping place, but does not include boarding houses, hotels, motels, tents or cabins.

49. *Dwelling, Attached*
A one-family dwelling attached to 2 or more one-family dwellings by common vertical walls.
50. *Dwelling, Detached*
A dwelling that is not attached to any other dwelling by any means.
51. *Dwelling, Multiple-Family*
A residential building designed for occupancy by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.
52. *Dwelling, Quadruplex*
Four attached dwellings in one structure in which each unit has 2 open space exposures and shares one or 2 walls with adjoining unit or units.
53. *Dwelling, Semi-Detached*
A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot.
54. *Dwelling, Single-Family*
A detached building designed for or occupied exclusively by one family.
55. *Dwelling, Townhouse*
A single-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common, fire resistant walls.
56. *Dwelling, Triplex*
A dwelling containing 3 dwelling units, each of which has direct access to the outside or to a common wall.
57. *Dwelling, Two-Family (Duplex)*
A structure on a single lot containing 2 dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
58. *Dwelling Unit*
One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities

provided within the dwelling unit for the exclusive use of a single family maintaining a household.

59. *Egg Production, Commercial*
An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 10 or more animal units.
60. *Elder Care Facility*
A long-term residential care facility such as a Continuing Care Retirement Community, Community Based Residential Facility, Residential Care Apartment Complex, Adult Day Service, or Skilled Nursing Facility.
61. *Emergency Shelter*
Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire; flood; windstorm; riots; and invasions.
62. *FAA*
Federal Aviation Administration.
63. *Family*
One or more individuals occupying a dwelling unit and living as a single household unit.
64. *Farmstead*
A group of existing buildings with accessory structures, such as barns, silos, storage sheds, cribs, and coops, used for agricultural purposes and which may or may not include a dwelling.
65. *FCC*
Federal Communications Commission.
66. *Feed Lot, Commercial*
An animal confinement facility used or designed for the feeding or holding of 1,000 or more animal units for a period of 30 days or more.
67. *Flag Lot*
A lot that conforms in all respects to area and dimensional requirements of the zoning district in which it is located, except that the only street frontage and access is limited to an access strip. This definition does not include the commonly used wedge-shaped lots located on the bulb of a cul-de-sac street.
68. *Floating Zone*
An unmapped zoning district where all the district requirements are contained in this Ordinance and the district is fixed on the map only when

an application for development, meeting the district requirements, is approved.

69. *Floor Area, Gross*
The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than 6 feet.
70. *Floor Area, Net*
The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
71. *Floor Area Ratio*
The gross floor area of all buildings on a lot divided by the lot area.
72. *Frontage*
That side of a lot abutting on a street; the front lot line.
73. *Fur Farm*
Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals, including those defined in Section 29.001(30), Wis. Stats., and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.
74. *Garage, Private*
An accessory building or accessory portion of a main building or use that is used primarily for the parking and storage of vehicles owned and operated by the residents or visitors of the principal use, and which is not available to the general public.
75. *Garage, Public*
Any building or portion thereof, not accessory to a residential building or structure, used primarily for the parking and storage of vehicles and available to the general public.
76. *Garage, Repair*
Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.
77. *Governing Authority*

The Town Board of the Town of Holland, or in cases in which authority has been delegated by ordinance, the Plan Commission.

78. *Grade*
The degree of rise or descent of a sloping surface.
79. *Grade, Finished*
The final elevation of the ground surface after development.
80. *Grade, Natural*
The elevation of the ground surface in its natural state, prior to any development.
81. *Grading*
Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.
82. *Ground Floor*
The first floor of a building other than a cellar or basement.
83. *Home Occupations*
Any occupation for gain or support conducted entirely within buildings by resident occupants that is customarily incidental to the principal use of the premises.
84. *Home Professional Office*
A home occupation consisting of the office of a practitioner of a recognized profession meeting the requirements of [Section 20.210](#).
85. *Homeowners Association*
A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.
86. *Hotel*
A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.
87. *Household*
A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

88. *Impermeable Surfaces*
Impermeable surfaces are all surfaces that restrict or limit percolation of precipitation. This includes, but is not limited to, driveways, concrete or asphalt surfaces, and roofed structures.
89. *Joint Extraterritorial Zoning Committee*
Any zoning committee established in accordance with section 62.23 (7a), Wis. Stats.
90. *Junkyards*
Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or two or more disassembled, inoperable, junked or wrecked motor vehicles.
91. *Kennels*
An establishment, in which more than 4 dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold.
92. *Loading Areas*
An off-street space or berth used for the loading or unloading of commercial vehicles.
93. *Lot*
A parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in computation of lot size.
94. *Lot, Corner*
A lot abutting 2 or more streets at their intersection, or upon 2 parts of the same street forming an interior angle of 135 degrees or less.
95. *Lot, Interior*
A lot other than a corner lot.
96. *Lot, Reverse Frontage*
A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

97. *Lot, Substandard*
A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.
98. *Lot, Through*
A lot which fronts upon 2 substantially parallel streets, or which fronts upon 2 streets which do not intersect at the boundaries of the lot.
99. *Lot Coverage*
That portion of the lot that is covered by buildings and structures.
100. *Lot Depth*
The distance measured from the front lot line to the rear lot line.
101. *Lot Frontage*
The length of the front lot line measured at the street right-of-way line.
102. *Lot Line, Front*
The lot line separating a lot from a street right-of-way.
103. *Lot Line, Rear*
The lot line opposite and most distant from the front lot line; or in the case of triangular or other irregular shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
104. *Lot Line, Side*
Any lot line other than a front or rear lot line.
105. *Lot Width*
The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
106. *Manufactured Home*
A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a

certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under title 42 of the U.S. code.

107. *Mobile Home*
A single-family dwelling built on or before June 15, 1976, designed to be towed or transported and used as a residential dwelling, but does not include a manufactured home. Mobile home also means any coach, cabin, trailer, travel trailer, motor home, house car or other structure which is, or was originally constructed or designed to be transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexations or appurtenances thereto.
108. *Motel*
A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
109. *Net Buildable Area (NBA)*
A calculated area upon which the density for cluster development is computed. Net buildable area is the area of a site expressed in acres remaining after subtracting all or a percentage of the following factors from the site's gross area: existing street rights-of-way, utility rights-of-way, floodplain, wetlands, water, and steep slopes.
110. *Nonconforming Lot*
A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.
111. *Nonconforming Structure*
Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements of this Ordinance.
112. *Nonconforming Use*
A use or activity which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.
113. *Open Space*
A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment,

or for the use and enjoyment of owners and occupants of land adjoining such open space.

114. *Park*
A tract of land designated and used by the public for active and passive recreation.
115. *Parking Lot*
An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
116. *Party Driveway (also called “Common Passageway”)*
A single way providing vehicular access to 2 adjoining properties.
117. *Party Wall*
A common, shared wall between 2 separate structures, buildings, or dwelling units.
118. *Patio (also called “Terrace”)*
A level, landscaped, and/or surfaced area directly adjacent to a principal building at or within 3 feet of the finished grade and not covered by a permanent roof.
119. *Permitted Use*
A use by right that is specifically authorized in a particular zoning district.
120. *Person*
An individual, group of individuals, partnership, firm, corporation, association, state, county, town, city, village, special district, or other government corporation, or any other legal entity.
121. *Planned Unit Development*
An area of land, controlled by a single owner, corporation, or any other legal entity to be developed as a single entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this Ordinance.
122. *Practical Difficulty*
A unique circumstance or condition relative to the owner’s property that prevents the owner from enjoying the use of the property as others in the same zoning district are generally able to do.
123. *Pre-Existing Antenna or Tower*
Any antenna or tower constructed prior to the effective date of this Ordinance or amendments thereto.

124. *Principal Use*
The main or predominant use of property or structures as permitted on a lot by the regulations of the district in which it is located, as distinguished from a subordinate or accessory use.
125. *Principally Engaged*
Engaged in an approved occupation for 1,000 hours or more per calendar year, or deriving 50% or more of gross income per calendar year from an approved occupation.
126. *Professional Office*
The office of a member of a recognized profession maintained for the conduct of that profession. (see Home Professional Office)
127. *Prohibited Use*
A use that is not permitted in a zoning district.
128. *Recreation Facility*
A place, private, public, or commercial, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
129. *Recreational Vehicle*
A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel used and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
130. *Restrictive Covenant (see Deed Restriction)*
131. *Retail Services*
Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education, social services, museums, and galleries.
132. *Retail Trade*
Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

133. *Riding Stable*
A establishment where horses are boarded and cared for and where instruction in riding and showing is offered and the general public may, for a fee, hire horses for riding.
134. *Roadside Stand*
A small seasonal structure, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and used solely for the sale of farm products produced on the premises or adjoining premises.
135. *Rooming House* (see Boarding House)
136. *Separation Distance*
The required dimensional distance between the outer boundary of a cluster group and another specified feature of development.
137. *Service Station*
Any building, structure, premises, or other place used or intended to be used for the retail dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a municipal garage used for the repair or storage of motor vehicles.
138. *Setbacks*
The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.
139. *Shorelands*
Those lands lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lakes, ponds, and flowages; 300 feet from the ordinary high water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.
140. *Sight Triangle*
A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersections.
141. *Sign*
Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract

attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

142. Story

That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above, and including those basements used for the principal use.

143. Story, Half

A space under a sloping roof which has the line of intersection of the roof and wall face not more than 3 feet above the floor level, and in which space the possible floor area with head room of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

144. Street

Any vehicular way which (1) is an existing state, county, or local roadway, or (2) is shown upon a plat or survey map approved pursuant to law, or (3) is approved by other official action; and includes the land between the street right-of-way lines, whether improved or unimproved.

145. Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

146. Structure

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting utility lines and appurtenances.

147. Truck Farming

Farming that produces vegetables for sale commercially.

148. Turning Lanes

An existing or proposed connecting roadway between 2 arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

149. Unnecessary Hardship

For an area variance, unnecessary hardship results when compliance with the ordinance would 1) unreasonably prevent the owner from using the property for a permitted purpose, or 2) be unnecessarily burdensome.

150. *Use*
The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
151. *Utilities*
Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
152. *Wholesale Trade*
Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
153. *Yard*
An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation or as may be specifically provided in this Ordinance. The street and rear yards extend the full width of the lot.
154. *Yard, Front*
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called street yard. Corner lots shall have 2 such yards.
155. *Yard, Rear*
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the street yards on a corner lot.
156. *Yard, Side*
A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal street.

157. *Yard, Street*
 (See Yard, Front)

Section 20.03 GENERAL PROVISIONS

20.03.01 Jurisdiction

The provisions of this Ordinance shall apply to all structures, land, water, and air within the unincorporated areas of the Town of Holland, Sheboygan County, Wisconsin.

20.03.02 Compliance

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

20.03.03 Use Regulations

Only the following uses and their essential services may be allowed in any district:

1. Principal Uses. Only those principal uses specified for a district, their essential services, and the uses set forth in this Subsection shall be permitted in that district.
2. Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein. Accessory uses include storage and parking facilities; gardens and gardening; servant's, owner's, itinerant farm laborer's, and watchman's quarters not for rent; private swimming pools; and, private emergency shelters.
3. Conditional Uses and their accessory uses are considered as special uses in specified districts requiring review, public hearing, and approval by the Plan Commission in accordance with procedures and standards established in Section 20.220 of this Ordinance. When a use is classified as a conditional use at the date of adoption of this Ordinance, it shall be considered a legal conditional use without further action of the Plan Commission. Changes to or substitution of conditional uses shall be subject to review and approval by the Plan Commission in accordance with Section 20.220 of this Ordinance.
4. Uses not specified in this Ordinance and that are found by the Plan Commission to be similar in character to conditional uses permitted in the district may be permitted by the Plan Commission after review, public hearing, and approval in accordance with Section 20.220 of this Ordinance.
5. Temporary Uses, such as field offices and shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Building Inspector after the tenure thereof has been approved by the Town Board.

20.03.04 Subdivision Regulations

All existing, undeveloped parcels of land of record in the County Register of Deeds Office, and any new land divisions or subdivisions as defined in the [SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN](#), shall conform in full with the provisions of that Ordinance. No Building Permit shall be issued for any lot until such compliance is assured.

20.03.05 Sanitary Regulations

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without full compliance with the [SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN](#). No Building Permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a Sanitary Permit is issued.

20.03.06 Shoreland-Floodplain Regulations

The Town recognizes that Sheboygan County has adopted a [Shoreland-Floodplain Ordinance](#) as required by Wisconsin Statutes. Accordingly, the Town Building Inspector shall refer to Sheboygan County all applicants seeking Building Permits for structures or uses proposed to be located or conducted within the shoreland or floodplain area subject to County regulations. If the Building Inspector determines that any Town Building Permit is required for such project, the permit shall not be issued until the County permit has been issued. In a situation where the Town and County regulations conflict, the more restrictive regulations shall apply.

20.03.07 General Site Restrictions

No land shall be used or structure erected when the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography; impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and/or general welfare of Town of Holland. The Plan Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify, or withdraw its determination of unsuitability. In addition:

1. All lots shall abut or have access to a public street or officially approved private way. Where access is to be provided by a private way, the said way shall have a minimum right-of-way or access easement of 50 feet in width and shall be continuous to a public street or approved private street.
2. All principal structures shall be located on a lot; only one principal structure shall be located, erected, or moved onto a lot in a residential district, except as

permitted under planned unit development districts and provisions. The Plan Commission may permit more than one principal structure per lot in other districts where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.

3. No Building Permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
4. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district may be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

20.03.08 Construction Standards

All residential dwellings constructed on site or manufactured homes shall meet the following minimum construction standards in addition to complying with all applicable codes.

1. Building Area: The total minimum floor area of a dwelling shall be 1,300 square feet.
2. Building Width: The minimum width of a dwelling shall be not less than 20 feet.
3. Foundation: A residential dwelling shall be permanently attached to a permanent foundation meeting the requirements of the state uniform dwelling code and approved by the Town building inspector. The foundation shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade. Manufactured homes shall have the running gear and towing hitch removed and have an anchoring system that is totally concealed under the structure.

20.03.09 Reduction or Joint Use

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used for any other structure or use.

20.03.10 Development Agreement and Reimbursement of Expenses

To promote and enhance public safety and general welfare, and to ensure essential improvements are made, the Town may deem it necessary to require a development

agreement and/or reimbursement of Town expenses incurred as a result of a proposed development.

1. Development Agreement

Before final approval of an application for development, the Town may require the developer to enter into a written development agreement with the Town to install any required improvements and comply with development requirements, and to file a bond, letter of credit, or cash deposit in an amount determined by the Town as a guarantee of the performance of the developer's obligations under the development agreement.

2. Reimbursement of Town Expenses

The Town Board may utilize the services of such professionals as it deems appropriate, to advise and assist the Town Board and Town Plan Commission regarding a development. Before final approval of an application for development, the Town Board may require the developer to reimburse all fees, charges and costs incurred by the Town for such professional services, including but not limited to plan review, inspection, engineering, legal and administrative. The Town Board may, from time to time, establish a schedule of such professional charges by resolution. The Town Board may require that the estimated cost for such professional services be included in the bond, letter of credit, or cash deposit to be provided to the Town.

Section 20.20 ZONING DISTRICTS

For the purpose of this Ordinance, the Town of Holland, Sheboygan County, Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following zoning districts, namely:

- A-1 Prime Agricultural District
- A-2 Agricultural District
- A-3 Agricultural Transition District (Not to be used after May 1, 2006)
- A-4 Agricultural Related Manufacturing, Warehousing, and Marketing District
- A-5 Agricultural District

- C-1 Lowland Resource Conservation District

- P-1 Recreational Park District
- P-2 Public District

- R-1 One and Two Family Residence District
- R-2 Multiple Family Residence District (Not to be used after May 1, 2006)
- R-3 Planned Unit Development District (Not to be used after May 1, 2006)
- R-4 Rural Cluster Development District
- R-5 Residential Subdivision District

- B-1 Business District

- M-1 Manufacturing and Industrial District
- M-3 Mineral Extraction District

The boundaries of these districts are hereby established as shown on a map entitled, “Zoning Map, Town of Holland, Wisconsin”, which accompanies and is herewith made a part of this Ordinance. Boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resource areas as shown by changes in vegetation, slope, and other natural resource base features; unless otherwise noted on the Zoning Map. All notations, references, and other information shown upon the said Zoning Map shall be as much a part of this Ordinance as if the matter and things set forth by the said map were fully described herein.

Section 20.21 A-1 PRIME AGRICULTURAL DISTRICT

20.21.01 Purpose

The purposes of the A-1 District are to: (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered, non-farm uses; (6) pace and shape urban growth; (7) implement the policies of the SHEBOYGAN COUNTY FARMLAND PRESERVATION PLAN; and, (8) comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Chapter 91, Wisconsin Statutes.

20.21.02 Lands Included

The A-1 District is generally intended to apply to lands in productive farm operations including: (1) land historically exhibiting high crop yield or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; (3) other lands which are integral parts of such farm operations; and (4) lands used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables. As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.

1. Permitted Uses
 - a. General farm buildings including barns, silos, sheds, and storage bins.
 - b. Apiculture (beekeeping)
 - c. Dairying
 - d. Equestrian trails (private)
 - e. Fish or fur farming
 - f. Floriculture (cultivation of ornamental flowering plants)
 - g. Forest and game management
 - h. Grazing
 - i. Greenhouses
 - j. Livestock raising except commercial feed lots
 - k. Natural trails and walks
 - l. Orchards
 - m. Paddocks
 - n. Plant nurseries
 - o. Poultry raising except commercial production
 - p. Raising of grain, grass, mint, and seed crops
 - q. Raising of tree fruits, nuts, and berries
 - r. Roadside stands consistent with land use
 - s. Sod farming
 - t. Stables
 - u. Tree farming
 - v. Vegetable raising

- w. Viticulture (grape growing)
2. Conditional Uses - See [Section 20.220](#) for application, review and approval procedures for conditional uses.
- a. One single-family dwelling for a person who must be principally engaged in conducting a Permitted Use or approved Conditional Use, provided that the conditional use permit contains a condition requiring the applicant to acknowledge in writing that the dwelling is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
 - b. Airports, airstrips, heliports, and landing fields, provided that site area is not less than 20 acres.
 - c. Animal hospitals
 - d. Antennas and communication towers
 - e. Cemeteries
 - f. Commercial egg production
 - g. Commercial feed lots
 - h. Community centers
 - i. Fire stations
 - j. Gas and electric utility uses not requiring authorization under Chapter 196.491, Wis. Stats.
 - k. Home occupations as described in [Section 20.210.03](#)
 - l. Kennels
 - m. Livestock sales barns
 - n. Major agriculturally related compost operation
 - o. Municipal solid waste processing and disposal, and wastewater treatment plants and facilities, provided that all principal structures and excavations are not less than 500 feet from any residential district
 - p. Museums
 - q. Parks and playgrounds
 - r. Power generating structure (single unit) designed for consumption of power principally on the property and its structures
 - s. Utilities, provided all principal structures and uses are not less than 50 feet from any residential lot line
 - t. Wind energy conversion system (commercial power generation)

20.21.03 Area, Height and Yard Requirements

Lot (farm size)	Area	Minimum 35-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may not be combined to attain the 35-acre minimum.
	Width	Minimum 660 feet road frontage on public road
Building		
Farm dwelling	Height	Maximum 35 feet
Other structures	Height	Maximum 70 feet or equal to the distance from the nearest lot line, whichever is less
Silos or vertical tanks	Height	Maximum 100 feet or equal to the distance from the nearest lot line, whichever is less
Yards		
Farm dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 20.290
Other structures, silos or vertical tanks	Rear	Minimum 100 feet
	Side	Minimum 20 feet if structure is not to be used for the housing of animals; minimum 100 feet if structure is to be used for the housing of animals
	Street	See Section 20.290

20.21.04 Existing Substandard Lots

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with [Section 20.300](#) of this Ordinance.

20.21.05 Lot Divisions

If a parcel is divided by certified survey map or subdivision into two or more parcels, then no further divisions of any of those parcels are permitted for a period of ten (10) years from the date of such land division approval, except by amendment of the regulations of this zoning ordinance under [Section 20.310](#), or where the Town Board, upon petition of the property owner, determines there are unusual circumstances where enforcement of the section would result in severe hardship that is not self-created or based solely on economic gain or loss. This restriction prohibiting further divisions of parcels shall be incorporated into the land division document, any documents conveying the divided parcels, and a separate restrictive covenant to be recorded with the register of deeds.

20.21.06 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.22 A-2 AGRICULTURAL DISTRICT

20.22.01 Purpose

The primary purposes of the A-2 District are to maintain, preserve, and enhance agricultural land historically utilized for crop production but which are not included within the A-1 District.

20.22.02 Lands Included

Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural related farming activities.

1. Permitted Uses
All permitted uses in the A-1 District.
2. Conditional Uses - See [Section 20.220](#) for application, review, and approval procedures for conditional uses.
 - a. One single-family dwelling for a person who must be principally engaged in conducting a Permitted Use or approved Conditional Use, provided that the conditional use permit contains a condition requiring the applicant to acknowledge in writing that the dwelling is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
 - b. Airports, airstrips, heliports, and landing fields, provided that the site area is not less than 20 acres.
 - c. Animal hospitals
 - d. Antennas and communication towers
 - e. Cemeteries
 - f. Commercial egg production
 - g. Hunting and fishing clubs
 - h. Municipal solid waste processing and disposal, and wastewater treatment plants and facilities, provided that all principal structures and excavations are not less than 500 feet from any residential district
 - i. Museums
 - j. Parks and playgrounds
 - k. Power generating structure (single unit) designed for consumption of power principally on the property and its structures
 - l. Public or private campgrounds and recreational camps
 - m. Utilities, provided all principal structures and uses are not less than 50 feet from any residential lot line
 - n. Veterinarian services

20.22.03 Area, Height, and Yard Requirements

Lot (farm size)	Area	Minimum 5-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may not be combined to attain the 5-acre minimum.
	Width	Minimum 350 feet road frontage on public road
Building		
Farm dwelling	Height	Maximum 35 feet
Other structures	Height	Maximum 70 feet or equal to the distance from the nearest lot line, whichever is less
Yards		
Farm dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 20.290
Other structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if structure is not to be used for the housing of animals; minimum 100 feet if structure is to be used for the housing of animals
	Street	See Section 20.290

20.22.04 Existing Substandard Lots

Same as A-1 District. See [Section 20.21.04](#)

20.22.05 Lot Divisions

Same as A-1 District. See [Section 20.21.05](#)

20.22.06 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.23 A-3 AGRICULTURAL TRANSITION DISTRICT

20.23.01 Purpose

The primary purposes of the A-3 District are to: (1) provide the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) insure that urban development is compatible with local land use policies; (4) provide periodic review to determine whether all or part of the land should be transferred to another zoning district. No property within the Town may be rezoned to A-3 Agricultural Transition District after May 1, 2006.

20.23.02 Lands Included

The A-3 District is generally intended to apply to land located adjacent to the incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space uses but where conversion to non-agricultural use is expected to occur in the foreseeable future.

1. Permitted Uses
All permitted uses in the A-1 District.
2. Conditional Uses - See [Section 20.220](#) for application, review, and approval procedures for conditional uses.
 - a. One single-family dwelling
 - b. Animal hospitals
 - c. Antennas and communication towers
 - d. Cemeteries
 - e. Commercial egg production
 - f. Community centers
 - g. Fire stations
 - h. Libraries
 - i. Municipal solid waste processing and disposal, and wastewater treatment plants and facilities, provided that all principal structures and excavations are not less than 500 feet from any residential district
 - j. Museums
 - k. Parks and playgrounds
 - l. Police stations
 - m. Public emergency shelters
 - n. Utilities, provided all principal structures and uses are not less than 50 feet from any residential lot line.

20.23.03 Area, Height, and Yard Requirements

Lot (farm size)	Area	Minimum 5-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may not be combined to attain the 5-acre minimum.
	Width	Minimum 350 feet road frontage on public road
Building		
Farm dwelling	Height	Maximum 35 feet
Other structures	Height	Maximum 70 feet or equal to the distance from the nearest lot line, whichever is less
Yards		
Farm dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 20.290
Other structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if structure is not to be used for the housing of animals; minimum 100 feet if structure is to be used for the housing of animals
	Street	See Section 20.290

20.23.04 Existing Substandard Lots

Same as A-1 District. See [Section 20.21.04](#)

20.23.05 Lot Divisions

Same as A-1 District. See [Section 20.21.05](#)

20.23.06 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.24 A-4 AGRICULTURAL RELATED MANUFACTURING, WAREHOUSING, AND MARKETING DISTRICT

20.24.01 Purpose

The primary purpose of the A-4 District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or are closely allied with the agricultural industry.

20.24.02 Lands Included

1. Permitted Uses
None. All uses in this District are conditional uses and must be approved in accordance with the procedures established in [Section 20.220](#).
2. Conditional Uses - See [Section 20.220](#) for application, review, and approval procedures for conditional uses.
 - a. Airports, airstrips, heliports, and landing fields, provided that site area is not less than 20 acres.
 - b. Animal hospitals
 - c. Antennas and communication towers
 - d. Blending and preparing of flour
 - e. Canning of fruits, vegetables, preserves, jams, and jellies
 - f. Canning of specialty foods
 - g. Cemeteries
 - h. Coffee roasting and production of coffee products
 - i. Contract sorting, grading, and packaging services for fruits and vegetables
 - j. Drying and dehydrating fruit and vegetables
 - k. Fertilizer production, sales, storage, mixing, and blending
 - l. Fire stations
 - m. Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation
 - n. Grain elevators and bulk storage of feed grain
 - o. Horticultural services
 - p. Livestock sales facilities
 - q. Malt production
 - r. Meat processing and packing
 - s. Milk processing
 - t. Milling
 - u. Municipal solid waste processing and disposal, and wastewater treatment plants and facilities, provided that all principal structures and excavations are not less than 500 feet from any residential district or residence
 - v. Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building

- w. Poultry hatchery services
- x. Preparation of cereal
- y. Preparation of feed for animals and fowl
- z. Production of chocolate and cocoa products
- aa. Production of frozen fruit, fruit juices, vegetables, and other specialties
- bb. Production of shortening, table oils, and margarine, and other edible fats and oils
- cc. Production of wine, brandy, and brandy spirits
- dd. Sales of farm implements and related equipment
- ee. Sugar processing and production
- ff. Transportation related activities primarily serving the basic agricultural industry
- gg. Utilities, provided all principal structures and uses are at least 2 times their height from the nearest lot line or not less than 50 feet, which ever is greater.
- hh. Veterinarian services
- ii. Wastewater treatment plants and facilities

20.24.03 Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 20.250 , sewer and water systems, and all required yards.
Building	Height	Maximum 35 feet
Silos and vertical tanks	Height	Maximum 100 feet or equal to the distance from the nearest lot line, whichever is less
Yard	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 20.290

20.24.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.25 A-5 AGRICULTURAL DISTRICT

20.25.01 Purpose

The purpose of the A-5 District is to provide for, maintain, preserve, and enhance agricultural lands having marginal or transitional farmland value in order to maintain the rural character of the countryside, while at the same time allowing for a large lot residential development on a minimum parcel size of 3 acres. The purposes of the district are to:

1. Protect and encourage the continuation of the existing farm operations
2. Permit non-agricultural uses that require large areas and that will compliment existing agricultural pursuits
3. Minimize conflicts between farm and non-farm uses
4. Provide a transitional area between suburban development and prime agricultural lands

20.25.02 Lands Included

Lands included are those lands generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural related farming activities.

1. Permitted Uses
All permitted uses in the A-1 District
2. Conditional Uses - See [Section 20.220](#) for application, review and approval procedures for conditional uses.
 - a. One single-family dwelling provided that the conditional use permit contains a condition requiring the applicant to acknowledge in writing that the dwelling is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
 - b. Airports, airstrips, heliports, and landing fields, provided that site area is not less than 20 acres.
 - c. Animal hospitals
 - d. Antennas and communication towers
 - e. Cemeteries
 - f. Community centers
 - g. Fire stations
 - h. Home occupations (see standards in [Section 20.210.03](#))
 - i. Municipal solid waste processing and disposal, and wastewater treatment plants and facilities, provided that all principal structures and excavations are not less than 500 feet from any residential district
 - j. Museums
 - k. Parks and playgrounds

1. Utilities, provided all principal structures and uses are not less than 50 feet from any residential lot line

20.25.03 Animal Units Allowed

One animal unit per acre.

20.25.04 Area, Height and Yard Requirements

Lot (farm size)	Area	Minimum 3-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may not be combined to attain the 3-acre minimum.
	Width	Minimum 250 feet road frontage on public road
Building Farm dwelling Other structures	Height	Maximum 35 feet
	Height	Maximum 70 feet or equal to the distance from the nearest lot line, whichever is less
Yards Farm dwelling Other structures	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 20.290
	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 20.290

20.25.05 Lot Divisions

Same as A-1 district. See [Section 20.21.05](#)

20.25.06 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.31 C-1 LOWLAND RESOURCE CONSERVATION DISTRICT

20.31.01 Purpose

The primary purpose of the C-1 District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in Town of Holland. The proper regulation of these areas will serve to maintain and improve ground water and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of Town of Holland. This District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land/water interface.

20.31.02 Lands Included

The C-1 District shall include minimally all areas delineated as swamps, marshes, bogs, and other wetlands on the “Shoreland Zoning Map, Sheboygan County, Wisconsin” as described in the [SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN](#), as well as those shoreland and wetland areas identified as being of local concern.

1. Permitted Uses

The following uses are permitted in the C-I District provided that such uses are conducted in accordance with sound conservation practices and do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography:

- a. Dugout ponds and level ditches
- b. Flood overflow and movement of water
- c. Forestry and game management
- d. Hiking trails
- e. Hunting, fishing, wildlife preserves, and other historic/scientific areas
- f. Navigation
- g. Nonresidential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops
- h. Park and recreation areas not including the location or erection of building or structures
- i. Wild crop harvesting including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds

2. Conditional Uses - See [Section 20.220](#) for application, review and approval procedures for conditional uses.

The following uses may be conditionally permitted except that issuance of a “Conditional Use Shoreland Zoning Permit” (pursuant to the [SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN](#)) and/or Department of Natural Resources permits (pursuant to Sections 30.11, 30.12, 30.19, 30.195, and 31.05, Wisconsin Statutes) may also be required:

- a. Cemeteries
- b. Community centers
- c. Cranberry bogs
- d. Fire stations
- e. Golf courses and country clubs
- f. Hunting and fishing clubs
- g. Libraries
- h. Museums
- i. Parks and playgrounds
- j. Piers and docks
- k. Police stations
- l. Public or private campgrounds and recreational camps
- m. Public emergency shelters
- n. Removal of peat or topsoil
- o. Special crop farming
- p. Utilities, except antennas and communications towers, provided all principal structures and uses are not less than 50 feet from any residential lot line
- q. Wastewater treatment plants and facilities

20.31.03 Area, Height, and Yard Requirements

None. No building or structure permitted except as provided under paragraphs 1. and 2. above.

20.31.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.41 P-1 RECREATIONAL PARK DISTRICT

20.41.01 Purpose

The purpose of the P-1 District is to provide for areas where the recreational needs of residents can be met without undue disturbance of natural resources and adjacent uses.

20.41.02 Lands Included

1. Permitted Uses
 - a. Parks and picnic grounds
 - b. Playgrounds and outdoor ice skating rinks
2. Conditional Uses - See [Section 20.220](#) for application, review, and approval procedures for conditional uses.
 - a. Amusement activities such as arcades, fairgrounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers
 - b. Archery ranges, golf driving ranges, firearm ranges, athletic fields or courts, and indoor skating rinks
 - c. Boat rentals and boat access sites
 - d. Cemeteries
 - e. Community centers
 - f. Golf courses and country clubs
 - g. Gymnasiums and athletic clubs
 - h. Hunting and fishing clubs
 - i. Private campgrounds and recreational camps
 - j. Public emergency shelters

20.41.03 Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 20.250 , sewer and water systems, and all required yards
Building	Height	Maximum 35 feet
Yard	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 20.290

20.41.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.42 P-2 PUBLIC DISTRICT

20.42.01 Purpose

The purpose of the P-2 District is to provide suitable areas for semi-public uses owned by non-profit organizations, and to accommodate municipal owned lands and facilities.

20.42.02 Lands Included

1. Permitted Uses
None. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [Section 20.220](#).
2. Conditional Uses – See Section 20.220 for application, review and approval procedures for conditional use.
 - a. Cemeteries
 - b. Churches
 - c. Community centers
 - d. Fire stations
 - e. Government halls and structures
 - f. Hospitals and nursing homes
 - g. Libraries
 - h. Museums
 - i. Non-profit organization offices
 - j. Schools
 - k. Utilities, except antennas and communication towers
 - l. Waste disposal sites
 - m. Wastewater treatment plants

20.42.03 Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 20.250 , sewer and water systems, and all required yards
Building	Height	Maximum 35 feet
Yard	Rear	Minimum 25 feet
	Side	Minimum 25 feet
	Street	See Section 20.290

20.42.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.51 R-1 SINGLE –FAMILY RESIDENCE DISTRICT

20.51.01 Purpose

This district is intended to provide for single-family residences. Effective July 1, 2002, only property within one thousand (1,000) feet of the Lake Michigan ordinary high water mark may be rezoned to R-1 Single-Family Residence District. Effective September 12, 2005, only property with a minimum of sixty-six (66) feet of lake frontage for sewered lots or one hundred (100) feet of lake frontage for unsewered lots at the high water mark on Lake Michigan may be rezoned to R-1 Single-Family Residence District. Property that does not have frontage on Lake Michigan that is zoned R-1 Single-Family Residence District prior to September 12, 2005, or property more than one thousand (1,000) feet from the Lake Michigan ordinary high water mark that is zoned R-1 Single-Family District prior to July 1, 2002 may continue that zoning classification and shall not be considered a nonconforming use, but no property without Lake Michigan frontage may be rezoned to R-1 Single-Family Residence District after September 11, 2005 and no property more than one thousand (1,000) feet from the Lake Michigan high water mark may be rezoned to R-1 Single-Family District after June 30, 2002.

20.51.02 Lands Included

1. Permitted Uses
 - a. Single-family detached dwelling
2. Conditional Uses - See [Section 20.220](#) for application, review, and approval procedures for conditional uses.
 - a. Accessory apartment, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25 percent of the principal dwelling, and shall comply with the off-street parking requirements of [Section 20.250](#)
 - b. Cemeteries
 - c. Churches and similar places of worship
 - d. Community centers
 - e. Fire stations (satellite)
 - f. Home occupations (see standards in [Section 20.210.03](#))
 - g. Libraries
 - h. Museums
 - i. Parks and playgrounds
 - j. Police stations
 - k. Public emergency shelters
 - l. Public, parochial, and private elementary and secondary schools, provided the lot area is not less than 5 acres and all principal structures and uses are not less than 50 feet from any lot line

- m. Utilities, except antennas and communications towers, provided all principal structures and uses are not less than 50 feet from any residential lot line

20.51.03 Area, Height, and Yard Requirements

Lot	Area (also see Note below)	Minimum of 10,000 square feet for lots served by municipal sanitary sewers or other county and state approved off-site cluster or common sewage disposal system, and 20,000 square feet for lots served by on-site sewage disposal systems for single-family dwellings, except where county or state regulations require more. (NOTE: Reductions of minimum lot area, pursuant to the Wisconsin Administrative Code and 71.23 (6), County Subdivision Ordinance, shall be expressly approved by the Town Zoning Board of Appeals.)
	Width	Minimum of 66 feet for sewered lots and 100 feet for unsewered lots
	Coverage	No more than 50 percent of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
Building		
Residence	Height	Maximum 35 feet
Other structures	Height	Maximum 35 feet
Yard		
Residence	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 20.290
Other structures	Rear	Minimum 10 feet or one-half the height of the structure, whichever is greater
	Side	Minimum 10 feet or one-half the height of the structure, whichever is greater
	Street	See Section 20.290

NOTE: In the R-1 District, for projects involving condominium or other such common ownership under which no new lots are created, the overall density that would have been required for dwelling units using individual lots shall be maintained. Therefore, the total number of dwelling units allowed shall be determined by dividing the net residential acreage of the project by the minimum lot sizes set for the district.

20.51.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.52 R-2 MULTIPLE –FAMILY RESIDENCE DISTRICT

20.52.01 Purpose

The purpose of the R-2 District is to identify areas suitable for two-family and multiple-family residential development, in accordance with the Town of Holland Comprehensive Plan. No property within the Town may be rezoned to R-2 Multiple-Family Residence District after May 1, 2006, except a property that has been determined by the town board, based on evidence provided by the property owner, to be improved by or occupied as a two family dwelling or multiple family dwelling on May 1, 2006.

20.52.02 Lands Included

1. Permitted Uses
 - a. Any use permitted in the R-1 District
 - b. Two-family dwellings
2. Conditional Uses - See [Section 20.220](#) for application, review, and approval procedures for conditional uses.
 - a. Accessory apartments, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25 percent of the principal dwelling, and shall comply with the off-street parking requirements of [Section 20.250](#)
 - b. Cemeteries
 - c. Churches and similar places of worship
 - d. Community centers
 - e. Elder care facilities, clinics, and day care centers, provided all principal structures and uses are not less than 50 feet from any lot line
 - f. Fire stations
 - g. Fraternities, sororities, lodges, and meeting structures of a non-commercial nature, provided all principal structures and uses are not less than 25 feet from any lot line
 - h. Home occupations (see standards in [Section 20.210.03](#))
 - i. Libraries
 - j. Multiple-family dwellings
 - k. Museums
 - l. Parks and playgrounds
 - m. Police stations
 - n. Professional offices
 - o. Public emergency shelters
 - p. Public, parochial, and private elementary and secondary schools, provided the lot area is not less than 5 acres and all principal structures and uses are not less than 50 feet from any lot line
 - q. Senior citizen housing

- r. Utilities, except antennas and communications towers, provided all principal structures and uses are not less than 50 feet from any residential lot line

20.52.03 Area, Height, and Yard Requirements

Lot	Area (also see Note below)	Minimum of 20,000 square feet for lots served by municipal sanitary sewers or other county and state approved off-site cluster or common sewage disposal system, and 60,000 square feet for lots served by individual on-site sewage disposal systems for two-family dwellings, plus 5,000 square feet of unoccupied land for each additional dwelling unit, except where county or state regulations require more. (NOTE: Reductions of minimum lot area, pursuant to the Wisconsin Administrative Code and 71.23 (6), County Subdivision Ordinance, shall be expressly approved by the Town Zoning Board of Appeals.)
	Width	Minimum of 100 feet for sewered lots and 150 feet for unsewered lots
	Coverage	No more than 50 percent of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
Building		
Residences	Height	Maximum 35 feet
Other structures	Height	Maximum 35 feet
Yard		
Residences	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 20.290
Other structures	Rear	Minimum 10 feet or one-half the height of the structure, whichever is greater
	Side	Minimum 10 feet or one-half the height of the structure, whichever is greater
	Street	See Section 20.290

NOTE: In the R-2 District, for projects involving condominium or other such common ownership under which no new lots are created, the overall density that would have been required for dwelling units using individual lots shall be maintained. Therefore, the total number of dwelling units allowed shall be determined by dividing the net residential acreage of the project by the minimum lot sizes set for the district.

20.52.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.53 R-3 PLANNED UNIT DEVELOPMENT DISTRICT

20.53.01 Purpose

The purpose of the R-3 District is to provide flexibility for custom developments that may be appropriate for certain areas of the town as identified in the Town of Holland Comprehensive Plan. No property within the Town may be rezoned to R-3 Planned Unit Development District after May 1, 2006.

20.53.02 Conformance With County Subdivision Ordinance

All planned unit developments (i.e., cluster subdivisions, condominiums, cooperatives) shall conform with Section 71.24, [SHEBOYGAN COUNTY SUBDIVISION ORDINANCE](#), in its entirety, and the said Section is hereby adopted by reference and made a part of this Ordinance as if fully set forth herein.

20.53.03 Lands Included

1. Permitted Uses
 - a. None. All uses in this District are conditional uses and must be approved in accordance with procedures established in [Section 20.220](#).
2. Conditional Uses - See [Section 20.220](#) for application, review and approval procedures for conditional uses.

20.53.04 Area, Height, and Yard Requirements

Building

Residences	Height	Maximum 35 feet
Other structures	Height	Maximum 35 feet

Yard

Residences	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 20.290
Other structures	Rear	Minimum 10 feet or one-half the height of the structure, whichever is greater
	Side	Minimum 10 feet or one-half the height of the structure, whichever is greater
	Street	See Section 20.290

20.53.05 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.54 R-4 RURAL CLUSTER DEVELOPMENT DISTRICT

20.54.01 Purpose

The purpose of the R-4 Rural Cluster Development District is to preserve rural landscape character, sensitive natural areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:

1. Maintain and protect the Town of Holland's rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridgetops, steep slopes, and critical species habitat by setting them aside from development.
2. Preserve scenic views and to minimize views of new development from existing streets.
3. Provide for the unified and planned development of tracts 35 acres or larger in size for clustered, single-family, low-density residential uses, incorporating large areas of permanently protected common open space.
4. Provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
5. Increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, and the amount of paving required for residential development, where possible.
6. Create groups of dwellings with direct visual and physical access to common open space.
7. Permit active and passive recreational use of common open space by residents of developments within this district or by the public.
8. Reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
9. Allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.

10. Permit various means for owning common open space and for protecting it from development in perpetuity.
11. Create an attitude of stewardship, or caring, for the land within common open space by requiring a land management, or stewardship, plan for the common open space.
12. Implement the objectives of the adopted Town of Holland Comprehensive Plan or elements thereof.

20.54.02 Lands Included

1. Permitted Uses
 - a. None. All uses in this district are conditional uses and must be approved in accordance with the procedures established under Section 20.54.03 (Inventory and Site Analysis).
2. Conditional Uses - See [Section 20.220](#) for application, review, approval, and appeal procedures for conditional uses.
 - a. Single-family residential uses as follows:
 - (1) Clustered single-family detached dwellings, with at least 60 percent of the gross development tract in common open space.
 - (2) Single-family farmstead dwellings with or without associated agricultural structures, such as barns, silos, storage sheds cribs, coops, and stables.
 - b. Agricultural activities including:
 - (1) The cultivation, harvesting, and sale of crops and related farm products.
 - (2) The raising and sale of livestock or fowl, with associated pasture and barnyards.
 - (3) Orchards, nurseries, greenhouses, and related horticultural uses.
 - (4) Growing and sale of Christmas trees.
 - (5) Agricultural structures, such as barns, silos, storage sheds, cribs, coops, and stables.
 - c. Open space uses, primarily passive in nature, including wildlife sanctuary, forest preserve, nature center, trails, picnic areas, and similar uses.
 - d. Conservation of natural features in their existing state.
 - e. Easements for access, drainage, sewer and water lines, or other public purposes.
 - f. Storm water management facilities for the proposed development, including detention and retention basins.

- g. Uses in common open space in cluster developments:
 - (1) Uses in Subsection 20.54.02, 2.b. through f.
 - (2) Water supply and sanitary facilities for individual lots, groups of lots, or the entire development.
 - (3) Utility and street rights-of-way, except that their land areas shall not count toward the 60 percent minimum open space requirement.
 - (4) Parking areas where necessary to serve active recreation facilities.
 - (5) Conditional uses as listed in [Section 20.220](#), meeting all requirements of that section and provided that the proposed use shall not adversely impact the rural character of the district and shall be consistent with the overall objectives of the district as listed in Subsection 20.54.01.
- h. Cemeteries
- i. Community centers
- j. Fire stations
- k. Golf courses and country clubs
- l. Home occupations and professional offices (see standards in [Section 20.210](#))
- m. Libraries
- n. Museums
- o. Parks and playgrounds
- p. Police stations
- q. Public emergency shelters
- r. Public, parochial, and private elementary and secondary schools and churches, provided the lot area is not less than 5 acres and all principal structures and uses are not less than 50 feet away from any lot line
- s. Utilities, except antennas and communications towers, provided all principal structures and uses are not less than 50 feet from any residential lot line
- t. Wastewater treatment plants and facilities
- u. The following uses and activities are prohibited in common open space areas in cluster development:
 - (1) The use of non-recreational motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are permitted, as needed.
 - (2) Cutting of healthy trees, regrading, topsoil removal, altering, diverting or modifying watercourses or bodies, except in compliance with an approved land stewardship plan, as described in Subsection 20.54.08, 2.a.(4).
 - (3) Intensive animal feedlot operations.

- v. Accessory uses
 - (1) Attached and detached private garages and storage structures, provided that:
 - A. One detached garage, not exceeding 800 square feet, shall be permitted.
 - B. One detached storage structure, not exceeding 500 square feet, shall be permitted on a lot, in addition to any garage structure, attached or detached.
 - (2) Home occupations that are clearly incidental to the permitted residential use.

20.54.03 Inventory and Site Analysis

To aid the Town of Holland in determining whether the applicant has accomplished the intent and Objectives as described in Subsection 20.54.01 and has met the design standards for cluster groups and common open space as described in Subsections 20.54.05 and 20.54.06, the initial application for any development shall include an inventory and site analysis of the tract. In addition to plat, data required by the [Sheboygan County Subdivision Ordinance](#) the following site analysis information shall be included in the submittal of preliminary plats. This information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail and with brief descriptions, if necessary, to allow for the proper evaluation of the preliminary plat. The site analysis map or map(s) shall include:

1. Topographic features with contours at two-foot intervals for slopes less than 12 percent, and at no more than five-foot intervals for slopes 12 percent and greater. Any rock outcrops, slopes 12 percent or greater, ridgelines, and hilltops shall be highlighted. Slopes on sketch plans prepared for pre-application meetings may be derived from soil survey maps prepared by Sheboygan County, but slopes on preliminary plats should be based on actual surface elevation contour lines taken from large-scale topographic maps (at 1 inch equals 200 feet, with a two-foot contour interval) or determined by photogrammetric mapping or field survey techniques.
2. Soil types and characteristics with interpretations of their suitability for crops, pasture, woodland, wildlife habitat, recreation, building foundations, roadways, and onsite sewage disposal facilities as identified by Sheboygan County. Prime agricultural soils and alluvial floodplain soils shall also be noted.
3. Hydrologic characteristics including lakes, ponds, rivers, streams, creeks, wetlands, floodplains, surficial drainage patterns, and shoreland protection areas.

4. Vegetation of the site, including the boundaries and characteristics of woodlands, grasslands, hedgerows, lone specimen trees, meadows, prairies, and fallow farm fields. Predominant species of plants in hedgerows and woodlands shall be identified and shall include comments on the health and condition of plants. Specimen trees and unique or endangered plant species shall be identified by species, size, and health.
5. Wildlife habitat areas including identification of the predominant species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare and endangered species shall be noted.
6. Existing land uses including cultivated and uncultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants. All buildings in a farm complex shall be located and their proposed retention and use described. The location of associated wells and onsite sewage disposal systems shall be included.
7. Historic and cultural features including a brief description of the historic character of buildings, structures, ruins, old burial sites, and fencerows.
8. Scenic vistas both into the tract from adjacent roads and public areas and out of the tract, as well as views within the interior of the tract.
9. Classifications of existing streets and highways within, or adjacent to, the development parcel and desirable or undesirable entry points into the parcel.
10. Existing adjacent pertinent physical conditions surrounding the tract within 200 feet. The size and extent of existing adjacent open space areas should be noted as well as any potential open space connections. General outlines of adjacent buildings, land uses, natural features, street classifications, and property boundaries within 200 feet of the tract shall be shown.
11. Delineations of classified natural resource areas such as the identified boundaries of environmental corridors and isolated natural resource areas.
12. Adopted pertinent area-wide and local comprehensive plan elements as related to the development parcel, including plans for agricultural land preservation, ark and open space preservation, trail and bikeway systems, storm water management and flood control systems, including flood hazard areas, plans for utilities, and arterial street and highway systems, as well as planned general land use patterns. Public site dedication or reservation required by the Town of Holland Official Map, including street right-of-way and connections, shall be noted. This information may

be presented on an aerial photograph at a scale no smaller than one inch equals 400 feet.

13. Such additional information as the Town of Holland may require.

20.54.04 Density and Dimensional Standards

1. Minimum tract size	35 acres
2. Maximum density	<p>One dwelling unit per six gross acres Existing dwellings that may or may not be part of a farmstead shall be counted toward the total density</p> <p>The maximum number of lots permitted shall be determined by multiplying the total area of the tract, excluding:</p> <ul style="list-style-type: none"> • 100% of existing and proposed rights-of-way of streets and highways, existing utility rights-of-way, floodplains, wetlands, ponds and lakes, and slopes over 21 percent • 50% of slopes 12 to 20 percent • 25% of woodlands <p>by the density ratio.</p> <p>Density Bonus</p> <ul style="list-style-type: none"> • The base density ratio of one unit per 6 gross acres (1/6) can be applied to calculate the maximum number of lots permitted if the development creates at least 60 percent common open space. • A density ratio of one unit per 5 gross acres (1/5) can be applied to calculate the maximum number of lots permitted if the development creates at least 70 percent common open space. • A density ratio of one unit per 4 gross acres (1/4) can be applied to calculate the maximum number of lots permitted if the development creates at least 80 percent common open space. <p>Common open space is defined in Subsection 20.54.06 of this district.</p>
3. Minimum common open space	60 percent
4. Minimum lot area	<ul style="list-style-type: none"> • 20,000 square feet when 80% common open space is achieved • 40,000 square feet when 70% common open space is achieved • 60,000 square feet when 60% common open space is achieved <p>For an existing farmstead on a tract used for cluster development, the minimum lot area shall be five acres or a large enough lot to accommodate all structures within the building envelope created by a 100-foot setback from all sides of the lot, whichever is larger.</p>
5. Minimum lot width at building setback line	<p>125 feet</p> <p>On the bulb of a cul-de-sac or on horizontal curves having a radius less than 100 feet, lot width may be reduced to a minimum of 50 feet at the street.</p>
6. Minimum front yard	50 feet
7. Minimum side yard	20 feet

	aggregate 50 feet
8. Minimum rear yard	50 feet
9. Accessory building setback from side and rear lot lines (accessory buildings are not permitted in front yards)	10 feet
10. Maximum building coverage	10 percent
11. Maximum building height, excluding agricultural structures	35 feet or 2 stories (principal structure) 18 feet (accessory structure)
12. Separation distances for cluster groups (from lot boundaries)	
a. From external arterial street proposed rights-of-way	100 feet
b. From all other external street proposed rights-of-way	50 feet
c. From all tracts or existing lot boundaries	0 feet
d. From cropland or pastureland	100 feet
e. From buildings or barnyards housing livestock	100 feet
f. From other cluster groups	150 feet
g. From wetlands, floodplains, or watercourses	35 feet
h. From active recreation areas, such as courts or playing fields	200 feet
13. All separation areas for cluster groups along existing streets shall be landscaped in accordance with Subsection 20.54.05, 1., in order to block views of new residential development, preserve scenic views, and protect rural landscape character.	
14. The dimensional standards specified in Subsections 20.54.04, 12. a.-h. may be reduced under the following circumstances:	
a. The separation distances along existing arterial streets may be reduced to a minimum of 50 feet if the applicant can demonstrate that existing vegetation, topography, or a combination of these, form an effective visual screen.	
b. All other separation distances may be reduced by 50 percent if the applicant can demonstrate that such reduced setbacks improve the plan's compliance with the cluster group design standards in Subsection 20.54.05, the intent of this Ordinance, and the objectives of the Town of Holland Comprehensive Plan.	

20.54.05 Design Standards for Cluster Groups

The following standards shall apply to all cluster groups:

1. All dwelling units shall be grouped into cluster groups, each of which shall contain no more than 10 units and be surrounded by common open space.
2. The maximum number of lots in a cluster group may be increased and cluster groups may be assembled into larger groupings, with the approval of the Town of Holland Plan Commission and provided that the applicant can demonstrate that such an alternative plan is more appropriate for the tract concerned and will meet both the general intent and design standards of this ordinance.

3. A subdivision plat may contain one or more cluster groups.
4. Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets and may contain lots, streets, and cluster group open space. When the development does not include individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 100 feet.
5. The outer boundaries of each cluster group shall meet the separation distance requirements specified in Subsection 20.54.04, 12.
6. Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Streets may separate cluster groups if the street right-of-way is designed as a boulevard.
7. Cluster groups containing 8 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit. Such open space shall meet the following standards:
 - a. Common open space located within cluster groups shall be counted toward meeting the overall 60 percent open space requirement.
 - b. The open space shall be configured as a cul-de-sac island, an island within a larger loop or an “eyebrow” (a semi-circular loop), an island in a boulevard street, or a common green area. Common green areas surrounded by lots on up to three sides shall be designed as a space for common use by all residents within the cluster group.
 - c. The open space shall have a minimum street frontage of 125 feet.
 - d. Internal open space may contain parking areas for recreational uses, but these shall not be included in the required 2,000 square feet of internal open space per lot area. Internal open space requirement does not apply if the cluster of 8 or more units abuts a single-loaded road, with common open space directly across the road.
8. All lots in a cluster group shall take access from interior streets.
9. All lots in a cluster group shall abut common open space to the front or rear. Common open space across a street shall qualify for this requirement.

In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and onsite septic system.

20.54.06 Design Standards for Common Open Space

On all tracts developed under the cluster development regulations, at least 60 percent of the gross land area shall be set aside as protected common open space. This open space shall meet the following standards:

1. For the purposes of this section, gross land area includes all lands within the tract, except existing street, railway, and utility rights-of-way.
2. Common open space shall comply with the following design standards:
 - a. The location of common open space shall be consistent with the objectives of the Town of Holland Comprehensive Plan.
 - b. All open space areas shall be part of a larger continuous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as located within 100 feet across which access is possible, for example, on opposite sides of an internal street.
 - c. Common open space shall, to the greatest extent possible, protect site features identified in the Site inventory and analysis as having particular value in the context of preserving rural character; in compliance with the intent of this Ordinance, primary and secondary environmental corridors and isolated natural areas as identified by the Regional Plan Commission are of particular significance for protection.
 - d. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance or restore their overall condition and natural processes, as recommended by professionals in the area being modified and in compliance with an approved land stewardship plan, as described in Subsection 20.54.05, 2. Permitted modifications may include:
 - (1) Woodland management
 - (2) Reforestation
 - (3) Meadow management
 - (4) Wetlands management
 - (5) Stream bank protection
 - (6) Buffer area landscaping
 - e. All wetlands, floodplains, unique wildlife habitat areas, steep slopes over 12 percent, 100 percent of lowland environmental corridor, and at least 80 percent of upland primary environmental corridor shall be contained in common open space.
 - f. Maximize common boundaries with existing or future open space on adjacent tracts, as shown in the Town of Holland Comprehensive Plan.
 - g. In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridgetops or hilltops.

- h. No woodlands shall be removed and at least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. This limitation may be exceeded under the following conditions:
 - (1) The site is primarily wooded, and development at permitted density would not be possible without encroaching further on woodlands.
 - (2) Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density, as determined by the Town of Holland Plan Commission.
- i. No common open space shall be less than 10,000 square feet in area, with the exception of landscape islands, as described in Subsection 20.54.05, 7. b., and not less than 30 feet in its smallest dimension. Open space not meeting this standard shall not be counted toward the total required 60 percent common open space.
- j. The boundaries of common open space shall be marked by natural features whenever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish the objective.
- k. Trails in common open space located within 50 feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.
- l. Under no circumstances shall all common open space be isolated in one area of the development for plats with more than one cluster group. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- m. Common open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- n. Long, linear buffers along parcel edges are not to be counted toward open space requirements unless they are at least 100 feet wide.

3. Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
 - a. At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than 50 feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this ordinance.
 - b. Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
4. The following areas shall not be included in the calculation of common open space areas:
 - a. Private lot areas.
 - b. Street and highway rights-of-way, public or private.
 - c. Railway and utility rights-of-way.
 - d. Parking areas.
 - e. Areas not meeting the requirements of Subsection 20.54.06, 2. 1.

20.54.07 Landscaping

1. Preservation of Existing Natural Landscape
 - a. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.
 - b. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.
 - c. Within all required separation areas between cluster groups and external streets and tract boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.
 - d. Suitable existing vegetation shall be credited toward the landscaping requirements of this Section when, in the opinion of the Town of Holland Plan Commission, it would equal or exceed the visual impact of the new required plant material after two years of growth.
 - e. All new landscaping to be installed and existing vegetation to be preserved shall be protected in accordance with the methods specified in the [Sheboygan County Subdivision Ordinance](#).

2. Buffers
 - a. Within all required separation areas between external streets and cluster groups, a planted buffer area at least 25 feet in width shall be established. Where no natural trees and shrubs exist, plant materials as specified in the [Sheboygan County Subdivision Ordinance](#) shall be planted.
 - b. Planted buffers within separation areas between cluster groups are encouraged, to enhance privacy and a rural appearance between lots.
 - c. Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged to create a low-maintenance, naturalized landscape.

20.54.08 Ownership and Maintenance of Common Facilities and Open Space

To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply:

1. Ownership

The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this Subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to the following to be approved on an individual basis by the Town Plan Commission:

 - a. Homeowners Association

Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

 - (1) The applicant shall provide to the Town of Holland a description of the Organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
 - (2) The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
 - (3) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
 - (4) The organization shall be responsible for maintenance and insurance of common facilities.

- (5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
 - (6) The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
 - (7) The applicant for any tract proposed to contain common facilities shall arrange with the Town of Holland Assessor a method of assessment of the common facilities, which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
 - (8) Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to Town of Holland at least 30 days prior to such event.
- b. Condominium
Common facilities shall be controlled through the use of condominium agreements. The requirements of such agreements shall be approved by the Town of Holland attorney and shall be in conformance with the Chapter 703 of the Wisconsin Statutes, as amended. All common open space and other common facilities shall be held as “common element” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- c. Dedication of conservation easements to the Town of Holland or other public agency.
The Town of Holland or other public agency acceptable to the Town of Holland may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
- (1) There is no cost of easement acquisition to the Town of Holland (other than costs incidental to the transfer of ownership, such as title insurance.
 - (2) A satisfactory maintenance agreement shall be reached between the owner and the Town of Holland.
 - (3) Lands under a Town of Holland easement may or may not be accessible to the residents of the Town of Holland.
- d. Transfer of ownership to a private conservation organization.
With approval of the Town of Holland, an owner may dedicate any portion of the common facilities to a private, nonprofit conservation organization, provided that:
- (1) The organization is acceptable to the Town of Holland and is a bona fide conservation organization.
 - (2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization

- becomes unwilling or unable to continue carrying out its functions.
- (3) A maintenance plan and program acceptable to the Town of Holland is established in accordance with Subsection 20.54.08, 2.
 - e. Transfer or easements to a private conservation organization. With approval of the Town of Holland, an owner may transfer conservation easements on common facilities to a private, nonprofit conservation organization, provided that:
 - (1) The organization is acceptable to the Town of Holland and is a bona fide conservation organization.
 - (2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - (3) A maintenance agreement acceptable to the Town of Holland is established between the owner and the organization, in accordance with Subsection 20.54.08, 2.
 - f. Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
 - (1) The Town of Holland and residents of the development shall hold conservation easements on the land, protecting it from any further development.
 - (2) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
 - g. Other methods acceptable to the Town of Holland Plan Commission.
2. Maintenance and Operation of Common Facilities
- a. A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to, and approved by, the Town of Holland Plan Commission prior to preliminary plan approval. Such plan shall:
 - (1) Define ownership.
 - (2) Establish necessary regular and periodic operation and maintenance responsibilities.
 - (3) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - (4) Include a Land Stewardship Plan specifically focusing on the long-term management of common open space lands. A draft Land Stewardship Plan shall be submitted at the time of preliminary plan review, and a final Land Stewardship Plan at the time of final plan approval. The Land Stewardship Plan

shall include a narrative, based on the Site analysis required in Subsection 20.54.03, describing:

- A. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape;
 - B. Objectives for each common open space area, including:
 - (1) The proposed end state for the area; and the measures proposed for achieving the end state.
 - (2) Proposed restoration measures, including:
 - (a) Measures for correcting increasingly destructive conditions, such as erosion; and
 - (b) Measures for restoring historic features.
 - (c) A maintenance and operations plan identifying operations needed for maintaining the stability of the resources, including:
 - (1) Mowing schedules
 - (2) Weed control
 - (3) Planting schedules
 - (4) Clearing and cleanup
 - (5) At Town of Holland's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- b. In the event that the organization established to own and maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Town of Holland may serve written notice upon such organization and upon the residents and owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town of Holland may enter the premises and take corrective action.
- c. The costs of corrective action by the Town of Holland shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town of Holland, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

3. Leasing of Common Open Space Lands

Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

- a. The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
- b. The common open space lands to be leased shall be maintained for the purposes set forth in this Ordinance.
- c. The operation of such leased open space lands may be for the benefit of the residents of the development only or may be open to the public, if so determined by the residents.
- d. The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town of Holland Plan Commission.
- e. Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution and a copy of the recorded lease shall be filed with the Town of Holland.

4. Conservation

Common open space shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town of Holland Plan Commission and duly recorded in the office of the County Register of Deeds.

20.54.09 Sanitary and Water-Supply Facilities

1. Sanitary Facilities

- a. Sanitary facilities for cluster development may consist of any system meeting the requirements of the Wisconsin Department of Commerce for private sanitary systems and the Wisconsin Department of Natural Resources for public sanitary systems. Alternate septic fields are required for lots under 1.5 acres. Acceptable systems may consist of the following:
 - (1) Private, individual onsite systems serving a single lot, consisting of:
 - A. Conventional systems
 - B. Mound systems
 - C. Holding tanks
 - (2) Public, community systems consisting of:
 - A. Dispersed community systems, serving two or more dwellings, but not the entire development
 - B. Centralized community systems, serving the entire development

- (3) Public, municipal systems, serving all or parts of the entire development
 - b. Common open space may be used for some or all of the elements of any of the systems listed above.
 - c. All sanitary facilities shall be consistent with the requirements of the [Sheboygan County Subdivision Ordinance](#).
 - d. All public community sanitary facilities shall be owned, operated, and maintained by a general or special-purpose unit of government.
- 2. Water-Supply Facilities
Water-supply facilities may consist of any of the following systems, provided they meet the requirements of the Wisconsin Department of Natural Resources and Chapters NR811-812 of the Wisconsin Administrative Code:
 - a. Private, individual wells
 - b. Private, community wells
 - c. Public water-supply system
- 3. All water-supply facilities shall be consistent with the requirements of the [Sheboygan County Subdivision Ordinance](#).
- 4. All water-supply facilities, other than private individual wells, shall be owned, operated, and maintained by a general or special purpose unit of government.

20.54.10 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.55 R-5 RESIDENTIAL ESTATE DISTRICT

20.55.01 Purpose

The purpose of the R-5 District is to provide for single-family residences in the Residential Subdivision Area, where high density is inappropriate or undesired, and in a manner consistent with the Town of Holland Comprehensive Plan.

20.55.02 Lands Included

1. Permitted Uses
 - a. Single-family detached dwelling
 - b. Parks and playgrounds
 - c. Churches and similar places of worship
 - d. Public or private elementary, middle, and high schools
 - e. Fire stations (satellite)
2. Conditional Uses - See [Section 20.220](#) for application, review, and approval procedures for conditional uses.
 - a. Cemeteries
 - b. Community centers
 - c. Fire stations
 - d. Golf courses and country clubs
 - e. Home occupations and professional offices (see standards in [Section 20.210](#))
 - f. Libraries
 - g. Museums
 - h. Parks and playgrounds
 - i. Police stations
 - j. Public emergency shelters
 - k. Public, parochial, and private elementary and secondary schools and churches, provided the lot area is not less than 5 acres and all principal structures and uses are not less than 50 feet from any lot line
 - l. Utilities, except antennas and communications towers, provided all principal structures and uses are not less than 50 feet from any residential lot line
 - m. Wastewater treatment plants and facilities

20.55.03 Area, Height, and Yard Requirements

Lot	Area	Minimum 3 acres
	Width	Minimum of 250 feet frontage on public road
	Coverage	No more than 15 percent of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
Building		
Residence	Height	Maximum 35 feet
Other structures	Height	Maximum 35 feet
Yards		
Residence	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 20.290
Other structures	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 20.290

20.55.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.61 B-1 BUSINESS DISTRICT

20.61.01 Purpose

The purpose of the B-1 District is to provide for the proper location and regulation of commercial, retail, professional, and service operations that are not detrimental to the immediate surrounding area or to the town as a whole. The intent of these regulations is to minimize potential adverse effects (including but not limited to lighting, noise, dust, traffic, physical appearance, etc) of these uses. It is therefore intended that such uses will be reasonably compatible with the surrounding uses in the area.

20.61.02 Lands Included

1. Permitted Uses
None. All uses in this District are conditional uses and must be approved in accordance with the procedures in [Section 20.220](#).
2. Conditional Uses – See Section 20.220 for application, review, and approval procedures for conditional uses.
 - a. Auto body shops
 - b. Business and professional offices
 - c. Clubs
 - d. Day care centers
 - e. Financial institutions
 - f. Fueling stations and repair garages
 - g. Hotels and motels
 - h. Medical and dental clinics
 - i. Personal and professional service establishments that perform services on the premises
 - j. Restaurants and taverns
 - k. Retail stores and shops

20.61.03 Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 20.250 , all required yards, and all private or public utilities
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 30 feet
	Side	Minimum 15 feet
	Street	See Section 20.290

20.61.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.71 M-1 MANUFACTURING AND INDUSTRIAL DISTRICT

20.71.01 Purpose

The purpose of the M-1 District is to provide for the proper location and regulation of manufacturing, assembly, and industrial operations that are not detrimental to the immediate surrounding area or to the town as a whole. The intent of these regulations is to minimize potential adverse effects (including but not limited to smoke, odor, noise, dust, flash, traffic, physical appearance, etc) of these uses. It is therefore intended that such uses will be reasonably compatible with the surrounding uses in the area.

20.71.02 Lands Included

1. Permitted Uses
None. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [Section 20.220](#).
2. Conditional Uses – See Section 20.220 for application, review, and approval procedures for conditional uses.
 - a. Cabinet shops
 - b. Canning factories
 - c. Food processing plants
 - d. Foundries
 - e. Lumber yards and building supply yards
 - f. Machine shops
 - g. Manufacturing, assembly, fabrication and processing facilities
 - h. Printing and publishing facilities
 - i. Storage yards
 - j. Tool and die shops
 - k. Warehouses and indoor storage

20.71.03 Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 20.250 , all required yards, and all private or public utilities
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 30 feet, except 50 feet when abutting a residential district
	Side	Minimum 15 feet, except 50 feet when abutting a residential district
	Street	See Section 20.290

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20.71.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.73 M-3 MINERAL EXTRACTION DISTRICT

20.73.01 Purpose

The purpose of the M-3 District is to permit resource extraction operations as long-term transitional uses. The intent of these regulations is to minimize potential adverse effects (including but not limited to noise, dust, flash, vibration, traffic and physical appearance) of these uses on surrounding lands while operations are active and, to the maximum extent practicable, restore the site after operations have ceased.

20.73.02 Lands Included

1. Permitted Uses
None. All uses in this District are conditional uses and must be approved in accordance with the procedures established in [Section 20.220](#).
2. Conditional Uses – See Section 20.220 for application, review, and approval procedures for conditional uses.
 - a. Aggregate or ready-mixed plant
 - b. Clay, ceramic, and refractor mineral mining
 - c. Crushed and broken stone quarrying
 - d. Mixing of asphalt
 - e. Municipal solid waste processing and disposal provided that all principal structures and excavations are not less than 500 feet from any residential district
 - f. Nonmetallic mining services
 - g. Processing of topsoil
 - h. Sand and gravel quarrying
 - i. Utilities, except antennas and communications towers, provided all principal structures and uses are not less than 50 feet from any residential lot line
 - j. Washing, refining, or processing of rock, slate, gravel, sand, or minerals

20.73.03 Regulations

All uses listed are subject to the following regulations and such other requirements as the Town Board deem appropriate to protect the health, safety, and general welfare:

1. Plat of Survey showing topographic data (minimum contour interval of 5 feet), and existing and proposed excavations.
2. Operations Plan, including a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.

3. After obtaining a preliminary conditional use permit from the Town, obtain a Non-metallic Reclamation Permit from the Sheboygan County Land and Water Conservation Department (sureties will be required to enable Sheboygan County to carry out the restoration plan in the event of default by the applicant). Submit Reclamation Permit to the Town for review, after which the Town may add to the preliminary conditional use permit if necessary and issue a final conditional use permit.
4. All excavations shall be at least 200 feet from the right-of-way of any public or private street or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line.

20.73.04 Development Agreement and Reimbursement of Expenses

See [Section 20.03.10](#) for possible requirements.

Section 20.210 HOME OCCUPATIONS

20.210.01 Standards

No home occupation, as defined in [Section 20.02](#), shall hereafter be established, altered, or enlarged unless it complies with all of the standards applicable to the district in which it is located and following standards:

1. No person other than a member of the immediate family occupying such dwelling unit shall be employed, except that for home professional offices one non-resident person may be employed.
2. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
3. No alteration of the principal building shall be made that changes the character thereof as a dwelling.
4. No more than 25 percent of the area of one story of a single-family dwelling nor more than 20 percent of the area of any other dwelling unit shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
5. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
6. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage accessory thereto.
7. There shall be no outdoor storage of equipment or materials used in the home occupation.
8. No signs shall be permitted other than those permitted by the applicable regulations in [Section 20.260](#).

20.210.02 Home Occupations Permitted

Permitted home occupations include, but are not limited to, the following list of occupations, provided, however, that each home occupation shall be subject to the requirements of this Ordinance as well as to any limitations specifically imposed on such occupation by this Section.

1. Dress makers, seamstresses, tailors
2. Music teachers, provided that the instruction shall be limited to one pupil at a time except for occasional groups

3. Artists, sculptors, or authors
4. Physicians, dentists, or other licensed medical practitioners
5. Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions
6. Ministers, Rabbis, Priests or other persons conducting religious worship

20.210.03 Home Occupations Requiring a Conditional Use Permit

Home occupations requiring a conditional use permit include, but are not limited to the following:

1. Barber shops, unless specifically permitted by the district regulations
2. Beauty parlors, unless specifically permitted by the district regulations
3. Day care centers
4. Bed and Breakfast homes
5. Renting of trailers
6. Repair shops or service establishments
7. Animal kennels, hospitals, or stables

Section 20.220 CONDITIONAL USES

20.220.01 Conditional Use Permit

The Town Plan Commission may issue a conditional use permit for conditional uses after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and the Town of Holland Comprehensive Plan, and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town of Holland.

20.220.02 Application

Application for Conditional Use Permits shall be made to the Plan Commission on forms furnished by the Plan Commission Clerk and shall include the following where pertinent and necessary for proper review.

1. Name and addresses of the applicant, owner of the site, architect, planner, engineer, contractor, and all opposite and abutting property owners of record.
2. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structures; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
3. Parcel map based upon the Sheboygan County geographic information system, plat of survey, or certified survey map drawn to scale that meets the requirements of the Plan Commission, which may include showing the location, property boundaries, dimensions, elevations, uses, and the following:
 - Subject site
 - Existing and proposed structures
 - Existing and proposed easements, streets, and other public ways
 - Off-street parking, loading areas, and driveways
 - Existing highway access restrictions
 - Existing and proposed street, side, and rear yards
 - Location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site
 - Floodplain and high water lines, on or within 40 feet of the subject premises
 - Existing and proposed landscaping
4. Additional information as may be required by the Plan Commission such as:
 - Ground surface elevations

- Basement and first floor elevations
 - Utility elevations
 - Flood-proofing measures
 - Soil type, slope, and boundaries
 - Plans for proposed structures giving dimensions and elevations pertinent to its effects on flood flows
5. Fee receipt from the Town Treasurer in the amount established by the Town Board. Costs incurred by the Town in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of conditional use applications and the preparation of conditions to be imposed on such uses shall be charged to and paid by the applicant.

20.220.03 Review and Approval of Conditional Uses

1. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and shall hold a public hearing, publishing a class 2 notice thereof under Chapter 985, Wisconsin Statutes.
2. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
3. Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Only the Board of Appeals as provided in [Section 20.300](#) shall grant variances.
4. Changes subsequent to the initial issuance of a conditional use permit that would result in a need to change the initial conditions shall require an amendment to the conditional use permit. Enlargement of a conditional use shall be considered an amendment. The process for amending a conditional use permit shall generally follow the procedures for granting a permit as set forth herein.

5. Should a permit applicant, his heirs or assigns fail to comply with the conditions of the permit issued by the Plan Commission or should the use or characteristics of the use be changed without prior approval by the Plan Commission, the conditional use permit may be revoked. The process for revoking a conditional use permit shall generally follow the procedures for granting a permit as set forth herein.
6. All conditional use permits shall be granted or denied within 60 days after application, unless the time is extended by mutual consent of the applicant and the Plan Commission.

20.220.04 Recording with Register of Deeds

A conditional use permit approved by the Town shall not be considered to be in effect until the applicant has caused said permit and a land covenant to be recorded with the Sheboygan County Register of Deeds.

Section 20.230 MODIFICATIONS

20.230.01 Yards

The Town Building Inspector, in reviewing building permits, may grant modifications to the yard requirements stipulated elsewhere in this Ordinance as follows:

1. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 10 feet to any lot line.
2. Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard but such projections shall not exceed 3 feet.
3. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the street yard, and shall not be closer than one foot to any existing public right-of-way.
4. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
5. Essential services, utilities, electric power, and communication transmission lines are exempt from the height, yard, and distance requirements of this Ordinance.
6. This subsection does not apply to antennas and communication towers.

Section 20.240 NONCONFORMING USES, STRUCTURES AND LOTS

20.240.01 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this Ordinance.
2. Total lifetime structural repairs or alterations shall not exceed 50 percent of the Town's equalized value of the structure at the time of its becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this Ordinance.
3. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
4. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.
5. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

20.240.02 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however:

1. Additions and enlargements to, or the moving of, existing nonconforming structures are permitted and shall conform with all established building setback lines and the yard, height, parking, loading, and access provisions of this Ordinance. Existing nonconforming structures and their additions shall not be permitted to encroach further upon established yard and height requirements than the existing encroachment. The provisions of this Section with respect to additions or enlargements are applicable only if the

lot or parcel conforms with the requirements of the County Sanitary Ordinance or is serviced by a public sanitary sewer.

2. Existing nonconforming structures that are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed within their original footprint, and in so far as is practical shall conform with all established building setback lines and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to reconstruction are applicable only if the lot or parcel conforms with the requirements of the County Sanitary Ordinance or is serviced by public sanitary sewer.

20.240.03 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.

20.240.04 Existing Vacant Nonconforming Lots

In any residential or agricultural district a one family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance.

Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

Lot	Width	Minimum 50 feet (public or acceptable off-site sewerage); 80 feet (on-site sewage disposal system)
	Area	Minimum 5,000 square feet (public or acceptable off-site sewerage); 12,000 square feet (on-site sewage disposal system)

Section 20.250 OFF-STREET PARKING AND LOADING

20.250.01 Parking Requirements

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking spaces, based upon anticipated parking demand as follows, or as may hereafter be designated for specific uses or situations:

Single-family dwellings	2 spaces per dwelling unit
Two-family dwellings	2 spaces per dwelling unit
Multiple-family dwellings	1.5 spaces per dwelling unit
Commercial lodging (hotels, motels, tourist homes, etc.)	1 space for each guest room plus 1 space for each 3 employees
Elementary and middle schools	2 spaces for each classroom or auditorium requirement, whichever is greater
Junior and senior high schools	1 space for each 3 students or auditorium requirement, whichever is greater
Colleges, universities	1 space for each 3 students vocational or other adult of maximum capacity schools
Churches, auditoriums, theaters, community centers, and other places of public assembly	1 space for each 5 seats
Hospitals	1 space for each 2 beds plus 1 space for each 3 employees
Medical and dental clinics	4 spaces for each practitioner on the staff
Nursing homes and elder care facilities	1 space for each 6 beds plus 1 space for each 3 employees
Restaurants, taverns, clubs, lodges, etc.	1 space for each 50 square feet of primary floor area
Automobile service stations	4 spaces plus 1 space for each employees
Funeral homes	1 space for each 4 seats plus 1 space for each funeral vehicle maintained on the premises
Bowling alleys	5 spaces for each alley
Industrial uses (including laboratories and warehouses)	1 space for each 2 employees
Retail stores	1 space for each 150 square feet or primary floor area
Commercial office buildings, business, governmental, and professional offices	1 space for each 300 square feet of primary floor area
Commercial indoor recreation (other than theaters)	1 space for each 50 square feet of primary floor area
Planned shopping centers	1 space for each 50 square feet of primary floor area

In addition to those specific uses listed above, the following shall apply:

1. For uses not listed, the provision for a use that is similar shall apply.
2. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.
3. Lighting provided in any parking area shall be hooded or beamed so as not to create undesirable glare or interference on any adjacent residential property or public roadways.
4. Screening. Any off-street parking area, other than that provided for a residence, which abuts or faces a residential district shall provide a planting screen, landscaped fence, or landscaped berm, at least 4 feet high along the side abutting or fronting on a residential district.
5. Offset. In any off-street parking area, other than that provided for a residence, which abuts a residential district, no vehicle shall be allowed to park closer than 10 feet to the abutting residential lot line.
6. Setback. In any off-street parking area, no vehicle shall be allowed to park closer than 5 feet to the street line.
7. Application to existing uses. The off-street parking provisions shall not be required for legally existing uses as of the date of this Ordinance, but shall be required for any expansion of such use by the addition of new primary floor area or other expansion of building or use generating new parking demand.
8. Employee parking. Parking spaces required for employees shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

20.250.02 Loading Requirements

In any commercial or industrial district, adequate off-street loading and unloading areas shall be provided (in addition to required off-street parking) and located so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.

The size or number of such loading spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Plan Commission upon submittal of site and operational plans.

Section 20.260 SIGNS

20.260.01 Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit except those signs excepted in Subsection 20.260.02 below and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of any building codes.

20.260.02 Signs Permitted in All Districts Without a Building Permit

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

1. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.
2. Agricultural signs pertaining to the production or sale of agricultural products on a farm shall not exceed 30 square feet in area for any one farm.
3. Real estate signs not to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
4. Name, home occupation, and warning signs not to exceed 8 square feet located on the premises, and not closer than 50 feet between signs.
5. Bulletin boards of public, charitable, or religious institutions located on the premises.
6. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
7. Official signs, such as traffic control, parking restrictions, information, and notices.
8. Temporary signs or banners, such as at construction sites or special sales, when authorized by the Building Inspector.
9. Directory signs indicating the direction and distance to a specific cottage, residence, or recreation facilities not to exceed 5 square feet in display area.

20.260.03 Signs Permitted in All Non-Agricultural and Non-Residential Districts

The following signs are permitted in the business and industrial districts and are subject to the following regulations:

1. Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height.
2. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises; shall not extend more than 6 feet in any required yard; shall not be less than 10 feet from all lot lines; shall not exceed a height of 20 feet; and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or an alley.
3. Ground signs limited to one sign for each individual business premises which advertise the business names, services offered, or products sold on the premises shall not exceed 20 feet in height; shall meet all yard requirements for the district in which it is located; shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises. In addition to the above regulations, ground signs which advertise a business name, service offered, or products sold at a location other than the premises on which the sign is located shall conform to the setback requirements of [Section 20.290](#).
4. Roof signs shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for any one premises.
5. Window signs shall be placed only on the inside of commercial buildings.
6. Combinations of any of the above signs shall meet all the requirements for the individual sign.

20.260.04 Location Limited

No sign except those permitted in 20.260.02 above shall be allowed to face a residential, conservation, or park district within 500 feet of such district boundary.

20.260.05 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window,

or fire escape; and no sign shall be placed or be lighted in such a way as to cause glare or impair driver visibility upon public ways.

20.260.06 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of [Section 20.240](#) shall apply.

20.260.07 General Restrictions

1. **Illumination**
Where reflecting, radiating, or other illumination of signs is permitted:
 - a. Light shall not be projected toward or onto property located in residential districts or onto public streets.
 - b. Such illumination shall be indirect and the source of light shall not be exposed when located in a residential district.
2. **Conditions**
Landscaping, architectural design, type of construction, sureties, continued maintenance, lighting, fencing, planting screens, operational control, hours of operation, traffic safety restrictions, increased yards, and other factors may be reviewed and required by the Plan Commission and Building Inspector before issuance of the Building Permit upon finding that they are necessary to fulfill the purpose and intent of this Ordinance.

Section 20.270 COMMUNICATION TOWERS AND ANTENNAS

20.270.01 Applicability

This Section applies to all communication towers and antennas as defined in [Section 20.02](#) of this Zoning Code, except for:

1. Any device that does not exceed 35 feet in height, or such other height limitation that may apply to the zoning classification in which the device will be located.
2. Any device not exceeding 70 feet in height for reception of telecommunication signals or owned and operated pursuant to a license granted by the FCC.
3. Any device attached to a farm or business structure for their own internal radio communication that does not exceed 10 feet above the height limitation for that structure.
4. Pre-existing towers and antennas.

20.270.02 Purpose

The purpose of this section is to accommodate the needs of businesses and residents while protecting public health, safety, and general welfare of the community, and

1. Protect safety by such methods as prohibiting the locating of antennas and towers in or near residential areas, and providing height and setback restrictions;
2. Promote aesthetics by minimizing the number of towers in the Town, requiring towers to be located and configured in ways that minimize their adverse visual impact, and by encouraging the utilization of alternative tower structures rather than free-standing towers whenever feasible; and
3. Encourage commerce by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.

20.270.03 Principal or Accessory Use

Except for those specified in Section 20.270.01, all communication towers and antennas require a Conditional Use Permit issued in accordance with this ordinance. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that

are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

20.270.04 Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are either within the jurisdiction of the governing authority or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the governing authority is not by sharing such information in any way representing or warranting that such sites are available or suitable.

20.270.05 Aesthetics and Lighting

1. If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish, or be painted to a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
2. At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and pre-existing improvements.
3. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of neutral colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives, and shall approve the design that would cause the least disturbance to surrounding areas.
5. Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 feet above the ground on a placard no larger than 1 ½ square feet, or as required by the FCC.

20.270.06 Federal and State Requirements

All communication towers must meet or exceed standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.

20.270.07 Building Codes and Safety Standards

The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the administrative agency of the State of Wisconsin with jurisdiction.

20.270.08 Setbacks

All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height including antennas.

20.270.09 Conditional Use Permits

Applications for Conditional Use Permits shall be made in accordance with the procedures of Section 20.220 and the following.

1. Information Required in Writing
Each applicant requesting a Conditional Use Permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, and other documentation, signed and sealed by an architect or engineer registered in Wisconsin, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.
2. Factors
The governing authority shall consider the following factors, as well as any other factors it deems appropriate, in determining whether to issue a Conditional Use Permit.
 - a. Height of the proposed tower;
 - b. Capacity of the tower structure for additional antenna equipment, to accommodate expansion, or to allow for co-location of another provider's equipment;
 - c. Proximity of the tower to residential structures and residential district boundaries within 1000 feet of the tower;
 - d. List of nature of uses on all adjacent parcels and all other parcels within 1000 feet of the tower;
 - e. Surrounding topography within 1000 feet of the tower;
 - f. Surrounding tree coverage and foliage within 500 feet of the tower;
 - g. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - h. Proposed ingress and egress;

- i. Availability of suitable existing towers and other structures as discussed below.

3. Availability of Existing Towers or Structures

No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of, but is not limited to, any of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

4. Landscaping

The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least 4 feet in width surrounding the tower and structures that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view from nearby parcels. The governing authority may impose greater requirements or may reduce these requirements for a particular site.

20.270.10 Removal of Abandoned Towers and Antennas

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said

ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

20.270.11 Special Charges and Assessments

Pursuant to the Town's police power and pursuant to authority granted by secs. 66.0627 and 66.0703, Wis. Stats., any costs incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this Section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within 30 days of billing shall accrue interest at 1.5% per month compounded monthly. Any amounts not paid within 90 days of billing shall be entered on the tax assessment roll as a special charge or special assessment for the parcel(s) upon which the tower and/or antenna are located.

Section 20.280 PERFORMANCE STANDARDS

20.280.01 Compliance

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

20.280.02 Air Pollution

No person or activity shall reduce air quality or emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to contribute to exceeding county, state, or federal air pollution standards.

20.280.03 Water Quality Protection

No person or activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials, into any water, public sewer, public highway, or drainage ditch of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances including, but not limited to, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life, or overload the existing municipal utilities.

In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to contribute to exceeding county, state, or federal water pollution standards.

20.280.04 Solid or Liquid Wastes

No activity shall be permitted that violates county, state, or federal solid or liquid waste regulations.

20.280.05 Fire and Explosive Hazard

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall comply with existing county, state, and federal regulations.

20.280.06 Glare and Heat

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located except activities in an industrial district which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

Section 20.290 HIGHWAY SETBACK LINES

20.290.01 Setback Lines Established

In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be established in the Town of Holland outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided. If a highway in the future is located on a Town boundary, this Section is neither intended to be effective on the side within the city or village, nor on the side within another county where the highway is located on a county boundary.

20.290.02 Definitions

As used in this Section and for its purposes, the following words mean:

Centerline	A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
Junction	The point upon which 2 highway center lines, as herein established, or a highway centerline and the centerline of a railway right-of-way, meet.
Setback Lines	Lines established along highways at specified distances from the center line, which buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. Within the setback line means between the setback line and the highway.
Surveys (also Plans)	Surveys and plans as referred to hereinafter shall be considered as accepted by the county or Town Board if county or Town funds have been used in the improvement carried out with such plans.
To Place	The locating of a building or structure in a particular situation, whether by original construction or erection or by moving a building or structure to the particular site.
Traffic Lane	A strip of roadway intended to accommodate a single line of moving vehicles.

20.290.03 Classes of Highways and Center Lines

Highways are classified and the position of the centerline shall be determined as follows:

1. **Class A Highways**
State and federal highways that have been improved according to the surveys and plans of the state highway commission or plans accepted by the county board. The centerline is the center of the pavement or surfacing, or if there be none, the center of the graded roadbed, or the

center of the directional separator if the highway is to be paved as a double-divided road.

2. Class B Highways

For county highways that have not been improved according to engineering surveys or plans accepted by the county board or its agent, the county highway committee, the center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.

For county highways that have been improved according to engineering surveys and plans accepted by the county board, or its agent, the county highway committee, the center line is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

3. Class C Highways

For Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the county or Town Board, the center line is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof. For Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or Town Board, the center line is at the center of the surfacing or pavement or, if there be none, the center of the graded roadbed. For roads and streets in platted subdivisions not otherwise classified, the center line is at the midpoint between the right-of-way lines as shown on the recorded plat.

20.290.04 Structures Permitted Within Setback Lines

1. No new building, new sign, or other new structure or part thereof shall be placed between the setback lines established by this Ordinance and the highway except as provided by this Ordinance, and no building, sign, or structure or part thereof existing within such setback lines on the effective date of this Ordinance shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm, or other catastrophe to the extent of 50 percent or more of its last equalized value.
2. The following kinds of structures may be placed between the setback line and the highway:
 - a. Temporary signs not over 20 square feet
 - b. Communication and power transmission poles and lines may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner

- shall file, with the Town of Holland, an agreement in writing to the effect that the owner shall remove all new construction, additions, and replacements erected after the adoption of this Ordinance at his expense, when necessary for the improvement of the highway.
- c. Underground structures not capable of being used as foundations for future prohibited aboveground structures.
 - d. Access or service highways constructed according to plans as approved by the county highway committee. In giving such approval, the county highway committee shall give due consideration to highway safety and maximum sight distances.
 - e. New signs, other than in subsection 2.a. above, where authorized as a conditional use under the provisions of [Section 20.220](#).
3. This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery, or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the Clear Sight Triangle, as provided by subsection 20.290.05 below, shall be obstructed.

20.290.05 Setback Distances

- 1. Except as otherwise provided, the distance from the center line to the setback line applicable to the various classifications of highways as defined in this Section, are provided by the following paragraphs of this subsection.
- 2. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this Ordinance prior to such improvement, the setback distance shall be that applicable to the later classification.
- 3. In cases where the provisions of this Section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- 4. Along highways generally, the setback distances from the center line, at any point, for the respective classes of highways shall be as follows:
 - a. Class A Highways, setback distance, 100 feet.
 - b. Class B Highways, setback distance, 75 feet.

- c. Class C Highways, setback distances 60 feet except in platted subdivisions where the setback distance shall be 30 feet from the right-of-way lines, as shown on the recorded plat.
- 5. Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point on the boundary line of the highway be less than the following:
 - a. Class A Highways, 75 feet
 - b. Class B Highways, 67 feet
 - c. Class C Highways, 42 feet

Except that where structures are to be erected between buildings existing at the time of the adoption of this Ordinance which are located not more than 250 feet apart and having setback lines less than are established by this Section, the Zoning Board of Appeals may vary this regulation, provided that the Zoning Board of Appeals shall establish such conditions as will hold the Town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation will permit a setback less than the average setback of the adjacent buildings.

- 6. Clear Sight Triangle Established

The Clear Sight Triangle is a triangle formed by the right-of-way lines of 2 intersecting roadways or railways and a third straight line. The third straight line shall connect with said right-of-way lines at points as follows:

 - a. At Ordinary Intersection

At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class B Highways or Class A Highways, there shall be setback lines at points located 50 feet from the intersections of the projections of the setback lines along the highways.
 - b. At Railroad Grade Crossings

At railroad grade crossings there shall be setback lines at points located 100 feet from the intersections of the projections of the setback lines along the highways and the railway right-of-way line.

Section 20.300 ZONING BOARD OF APPEALS

20.300.01 Establishment

There is hereby established a Zoning Board of Appeals for the Town of Holland for the purpose of hearing appeals and applications, and for granting variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

20.300.02 Membership

1. The Board of Appeals shall consist of 5 members recommended by the Town Chairman and confirmed by the Town Board.
2. Terms shall be for staggered three-year periods.
3. Chairman of the Board of Appeals shall be designated by the Town Chairman.
4. The Town Chairman shall recommend, and the Town Board shall confirm, a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
5. The Secretary shall be elected by the Board of Appeals. The office of the Board of Appeals shall be the Town Clerk's office.
6. The Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
7. Official oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 5 days of receiving notice of their appointment.
8. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

20.300.03 Organization

1. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this section.
2. Meetings shall be held at the call of the Chairman of the Board of Appeals, posted in accordance with the Wisconsin Open Meetings Law, and shall be open to the public.

3. A quorum of the Board of Appeals shall consist of 5 members or alternates.
4. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be filed in the office of the Board of Appeals and shall be a public record.
5. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, to grant a variance, or to make an interpretation.

20.300.04 Powers

The Board of Appeals shall have the following powers:

1. **Errors**
To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector.
2. **Variances**
To hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a "practical difficulty" or "unnecessary hardship" exists and the records of the Board shall clearly show in what particular and specific respects a "practical difficulty" or an "unnecessary hardship" is created.

3. **Substitutions**
To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.
4. **Interpretations**
To hear and decide applications for interpretations of the zoning regulations and interpretations of the location of the boundaries of the

zoning districts, after the Plan Commission has made a review and recommendation.

5. Permits

The Board of Appeals may reverse, affirm wholly or partly, or modify the requirements appealed from and may issue or direct the issuance of a building permit.

6. Oaths

The Chairman of the Board of Appeals may administer oaths and compel the attendance of witnesses.

20.300.05 Appeals and Applications

Appeals of the decision of the Building Inspector or any administrative official concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department or board of the Town. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Building Inspector or administrative official. Applications may be made by the owner of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:

1. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
2. Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale, showing all information required for a building permit.
3. Additional information required by Board of Appeals, the Plan Commission, or the Building Inspector.

20.300.06 Hearings

The Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class 2 notice thereof and shall give due notice to the parties in interest, the Building Inspector and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

20.300.07 Variances

1. Authorized Variances

Variances from the regulations of this Ordinance shall be granted by the Board of Appeals only in accordance with the standards set out in subsection (2) below, and may be granted only in the following instances, and in no other:

- (a) To vary the applicable lot size requirements, including lot area, lot width, and density requirements.

- (b) To vary the applicable building bulk limitations, including height, lot coverage, floor area ratio, and yard requirements.
- (c) To vary the applicable off-street parking and off-street loading requirements.
- (d) To vary the applicable sign regulations.
- (e) To vary the regulations and restrictions applicable to nonconformities.

2. Standards for Variances

The Board of Appeals may not grant a variance to the provisions of this Ordinance unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a. Preservation of intent. No variance may be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance may have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- b. Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to a lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this Ordinance should be changed.
- c. Economic hardship and self-imposed hardship are not grounds for variance. No variance may be granted solely on the basis of economic gain or loss. Self-imposed hardships may not be considered as grounds for the granting of a variance.
- d. Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity.
- e. Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

20.300.08 Decision; Conditions; Expiration of Variance or Permit.

The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector and the Plan Commission.

1. The Board of Appeals may place conditions upon any building permit ordered or authorized. The Board may also impose such conditions, safeguards, and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set out in this Section to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.
2. Variances, substitutions or permits granted by the Board of Appeals shall expire within six months unless substantial work has been commenced pursuant to such grant, unless an extension is expressly granted by the Board of Appeals at the applicant's request in advance of the expiration

20.300.09 Review by Court of Record

Any person or persons aggrieved, by any decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

Section 20.310 CHANGES AND AMENDMENTS

20.310.01 Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice, require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance in accordance with the provisions of the Wisconsin Statutes.

20.310.02 Initiation

A change to the Zoning District or amendment to this Ordinance may be initiated by the Town Board, or the Plan Commission, or by a petition of one or more of the owners, lessees, or holder of a contract to purchase property within the area proposed to be changed.

20.310.03 Petition

Petitions for any change to the district boundaries or amendments to this Ordinance shall be filed with the Town Clerk, describe the premises to be rezoned or the portion of this Ordinance to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following where applicable:

1. Petitioner's name(s), address, phone number, and interest in property
2. Name(s), address(es), and phone number(s) of owners of all properties within the area proposed to be rezoned
3. Signatures of all petitioners and owners
4. Existing and proposed zoning district
5. Proposed use (a statement of the type, extent, area, etc., of any development project)
6. Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned
7. Compatibility with adjacent lands (a statement of land uses and impact of zoning change)
8. Legal description of property to be rezoned.
9. Plot plan or survey plat of the property to be rezoned (show location, dimensions, zoning of adjacent properties, existing uses, and buildings of adjacent properties, all drawn to scale).
10. Additional information required by the Plan Commission or Town Board.

11. Fee receipt from the Town Clerk, Treasurer, or Building Inspector in the amount established by the Town Board.

20.310.04 Review and Recommendation by Plan Commission

The Plan Commission shall review all proposed changes and amendments and shall recommend in writing to the Town Board that the petition be granted as requested, modified, or denied.

20.310.05 Hearing

1. The Town Board shall, after publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each petition, listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least 10 days prior written notice to the clerk of any municipality having extraterritorial jurisdiction of any land to be affected by the proposed change or amendment.
2. The Town Board may delegate to the Plan Commission the responsibility to hold public hearings as required under this section.

20.310.06 Board Action

Following such hearing and after consideration of the Plan Commission recommendations, the Town Board shall vote on the proposed changes or amendments.

20.310.07 Protest

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 75% of the voting Town Board members.

Section 20.320 ADMINISTRATION

20.320.01 Duties of the Building Inspector

The Building Inspector, or his duly designated and acting deputy, shall administer, supervise, and enforce the provisions of this Ordinance and issue all permits required by this Ordinance. The Building Inspector shall further:

1. Maintain records of all permits issued, inspections made, and work approved.
2. Inspect structures, lands, and waters as often as necessary to reasonably assure compliance with this Ordinance.
3. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Ordinance to the owner, resident agent, or occupant of the premises, and report uncorrected violations to the Town Board Supervisor that is a member of the Plan Commission.
4. Assist the Town Attorney in the prosecution of Ordinance violations.

20.320.02 Powers

The Building Inspector shall have all the powers necessary to enforce the provisions of this Ordinance without limitation by reason of enumeration, including the following:

1. Issue building permits upon application for the erection or use of a structure, land, or water where such erection or use complies with all the provisions of this Ordinance.
2. Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Ordinance. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with sec. 66.0119, Wis. Stats., except in cases of emergency when he/she shall have the right of immediate entry.
3. Prohibit the use or erection of any structure, land, or water until he/she has inspected and approved such use or erection.
4. Recommend to the Plan Commission any additional use regulations as he/she shall deem necessary.

20.320.03 Building Permit

Applications for a Building Permit shall be made to the Building Inspector on forms furnished by the Inspector and shall include the following where pertinent and necessary for proper review:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer, surveyor, and contractor, if applicable.
2. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site, type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
3. Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale (not less than 1:40 scale) and approved by the Building Inspector showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, floodplain/floodway, and shoreland boundaries; and existing and proposed street, side, and rear yards.
4. Additional information as may be required by the Plan Commission or the Building Inspector.
5. Building Permit shall be granted or denied in writing by the Building Inspector within 30 days of application and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within 9 months unless substantial work is commenced and the applicant shall reapply for a Building Permit before commencing work on the structure. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

20.320.04 Fees and Costs

All persons performing work that by this Ordinance requires the issuance of a permit, or making an application or petition under this Ordinance, or requesting a special meeting, shall pay a fee to the Town Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits, applications, petitions and meetings. The fees shall be as set by the Town Board. In addition to any other fees, the Town shall also charge such persons for the actual cost of professional fees incurred by the Town in investigating and processing permits, applications and petitions and for the actual cost of publication fees incurred by the Town for notices required to be published under this Ordinance.

20.320.05 Double Fee

A double fee may be charged by the Building Inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

20.320.06 Remedial Action

Whenever an order of the Building Inspector has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, Building Inspector, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

20.320.07 Violations

It shall be unlawful to improve, develop, or use any structure, or to improve, develop or use any land, water, or air in violation of any of the provisions of this Ordinance. In case of any violation, the Building Inspector, the Town Board, the Plan Commission, or any owner of property within the district affected who may be specifically damaged by such violation may institute the appropriate action or proceedings to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

20.320.08 Penalties

Any person who fails to comply with the provisions of this Ordinance or any order of the Building Inspector issued in accordance with this Ordinance, or resists enforcement, shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution and, in default of payment of such forfeiture, shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.

Section 20.330 ADOPTION AND EFFECTIVE DATE**20.330.01 Plan Commission Recommendation**

The Plan Commission of the Town of Holland recommended the adoption of this Zoning Ordinance at meetings held on June 5, 2006 and July 3 2006.

20.330.02 Public Hearing

Pursuant to and in accordance with the laws of the State of Wisconsin, the Town Board authorized and the Plan Commission held public hearings on this Zoning Ordinance on June 5, 2006 and July 3, 2006.

20.330.03 Town Board Approval

The Town Board of the Town of Holland concurred with the recommendation of the Plan Commission and adopted this Zoning Ordinance at a meeting held on June 12, 2006, and reaffirmed the adoption of the Zoning Ordinance at a meeting held on July 10, 2006.

20.330.04 Effective Date

This Zoning Ordinance shall take effect upon adoption by the Town Board and the day after posting of this Zoning Ordinance.

TOWN OF HOLLAND

Donald W. Becker, Town Chairman

Martin Elmer, Town Supervisor

Kenneth Becker, Town Supervisor

Stanley Lammers, Town Supervisor

Mathew Sproehlich, Town Supervisor**ATTEST:**

Town Clerk

ATTACHMENT A

Summary of Area, Yard, and Height Requirements

Town of Holland - Summary of Requirements by Zoning District⁽¹⁾

		Lot			Height Restrictions			Dwelling Set Backs			Other Structures		
District		Minimum Lot Size	Minimum Public Road Frontage	Coverage	Dwelling	Other Structures	Silos / Tanks	Rear	Side	Street	Rear	Side	Street
A-1	Prime Agricultural District	35 Ac	660 ft		35 ft	70 ft or distance to lot line	100 ft or distance to lot line	100 ft	20 ft	Section 20.290	100 ft	20 ft - no animals 100 ft - animals	Section 20.290
A-2	Agricultural District	5 Ac	350 ft	na	35 ft	70 ft or distance to lot line	na	100 ft	20 ft	Section 20.290	100 ft	20 ft - no animals 100 ft - animals	Section 20.290
A-3	Agricultural Transition District	5 Ac	350 ft	na	35 ft	70 ft or distance to lot line	na	100 ft	20 ft	Section 20.290	100 ft	20 ft - no animals 100 ft - animals	Section 20.290
A-4	Agricultural Related Manufacturing	Minimum for principal & accessory structures / parking / Section 20.290	na	na	na	35	100 ft or distance to lot line	50 ft	50 ft	Section 20.290	na	na	na
A-5	Agricultural District	3 Ac	250 ft	na	35 ft	70 ft or distance to lot line	na	50 ft	50 ft	Section 20.290	50 ft	50 ft	Section 20.290
C-1	Low Land Resource Conservation District	na	na	na	na	na	na	na	na	na	na	na	na

(1) This is an unofficial summary of the Zoning Ordinance requirements by zoning classification for the Town of Holland, Sheboygan County. Please refer to the Zoning Ordinance for official requirements.

Town of Holland - Summary of Requirements by Zoning District⁽¹⁾

District		Lot			Height Restrictions			Dwelling Set Backs			Other Structures		
		Minimum Lot Size	Minimum Public Road Frontage	Coverage	Dwelling	Other Structures	Silos / Tanks	Rear	Side	Street	Rear	Side	Street
P-1	Recreational Park District	Minimum for principal & accessory structures / parking / Section 20.290	na	na	na	35 ft	na	na	na	na	50 ft	50 ft	Section 20.290
P-2	Public District	Minimum for principal & accessory structures / parking / Section 20.290	na	na	na	35 ft	na	na	na	na	25 ft	25 ft	Section 20.290
R-1	Single-Family Residence District	10,000 ft ² sewer, 20,000 ft ² on-site septic	66 ft sewer, 100 feet on-site septic system	50% max. for residence, access'y bldgs, patios, driveway, etc.	35 ft	35 ft	na	25 ft	15 ft	Section 20.290	Greater of 10 ft or 1/2 height	Greater of 10 ft or 1/2 height	Section 20.290
R-2	Multiple Family Residence District	20,000 ft ² sewer, 60,000 ft ² on-site septic, plus 5,000 ft ² each add'l dwelling unit	100 ft sewer, 150 feet on-site septic system	50% max. for residence, access'y bldgs, patios, driveway, etc.	35 ft	35 ft	na	25 ft	15 ft	Section 20.290	Greater of 10 ft or 1/2 height	Greater of 10 ft or 1/2 height	Section 20.290

(1) This is an unofficial summary of the Zoning Ordinance requirements by zoning classification for the Town of Holland, Sheboygan County. Please refer to the Zoning Ordinance for official requirements.

Town of Holland - Summary of Requirements by Zoning District⁽¹⁾

		Lot			Height Restrictions			Dwelling Set Backs			Other Structures		
		Minimum Lot Size	Minimum Public Road Frontage	Coverage	Dwelling	Other Structures	Silos / Tanks	Rear	Side	Street	Rear	Side	Street
R-3	Planned Unit Development District	na	na	na	35 ft	35 ft	na	25 ft	15 ft	Section 20.290	Greater of 10 ft or 1/2 height	Greater of 10 ft or 1/2 height	Section 20.290
R-4	Rural Cluster Development District (MANY SPECS - SEE ORDINANCE)	35 Ac dev't, 20,000 to 60,000 ft ² lots	50-125 ft	na	35 ft	18 ft	na	50 ft	20 ft, aggregate 50 ft	50 ft	10 ft	10 ft	na
R-5	Residential Estate District	3 Ac	250 ft	15% max	35 ft	35 ft	na	50 ft	50 ft	Section 20.290	50 ft	50 ft	Section 20.290
B-1	Business District	Minimum for principal & accessory structures / parking / Section 20.290	na	na	na	35 ft	na	na	na	na	30 ft	15 ft	Section 20.290
M-1	Manufacturing and Industrial District	Minimum for principal & accessory structures / parking / Section 20.290	na	na	na	45 ft	na	na	na	na	30 ft; 50 ft when abutting residential area	15 ft; 50 ft when abutting residential area	Section 20.290
M-3	Mineral Extraction District	na	na	na	na	na	na	na	na	na	na	na	na

(1) This is an unofficial summary of the Zoning Ordinance requirements by zoning classification for the Town of Holland, Sheboygan County. Please refer to the Zoning Ordinance for official requirements.

ATTACHMENT B

**Forms and Guide for Preparing Conditional Use Request
UNDER DEVELOPMENT**

ATTACHMENT C

Forms and Guide for Preparing Rezoning Request
UNDER DEVELOPMENT

APPENDIX

UNOFFICIAL ATTACHMENTS TO THE TOWN OF HOLLAND ZONING ORDINANCE

ATTACHMENT D

Checklist for Conditional Use Requests
UNDER DEVELOPMENT

APPENDIX

UNOFFICIAL ATTACHMENTS TO THE TOWN OF HOLLAND ZONING ORDINANCE

ATTACHMENT E

Checklist for Rezoning Requests
UNDER DEVELOPMENT

ATTACHMENT F

No Fault Certification for Residences Constructed in Agricultural Districts

AGRICULTURE USE INFORMATION

SELLER: _____

PROPERTY: _____

LICENSEE: _____

The property you are considering purchasing land in the **Town of Holland**, Sheboygan County, that is located within or adjacent to lands primarily used for agricultural purposes. While many find living in or near a rural setting to be an attractive alternative to an urban environment, you are advised that the Sheboygan County Farmland Preservation Plan and the State of Wisconsin have established goals of preserving agricultural land and the business of farming.

While farming practices can sometimes be in direct conflict with residential uses, Wisconsin has "right to farm" statutes that specify as a matter of public policy that the laws of the state "...should not hamper agricultural production or the use of modern agricultural technology." See 814.01 (9) and 823.08 Stats.

As a prospective resident in a predominantly "rural" farm area you should know about some of the farm practices that could impact you and your property:

- | | |
|--------------|---|
| NOISE | Farm equipment can be noisy and it may be operated during daytime and nighttime hours for extended periods of time. Farm animals also create noise at all hours. |
| SLOW TRAFFIC | Farmers must move animals and equipment between, over, and along local roads at very slow speeds. This equipment is often of such size that passing is difficult, causing traffic delays. |
| QUARRIES | While the opening of a new mineral extraction site requires government conditional use approvals, existing quarries may remain in operation for many years. These may generate noise, dust, vibration, and extensive large vehicle traffic. Also, existing quarries may be entitled to expand. It is suggested that you contact the county zoning/planning and local government units to determine the location of nearby existing and planned mineral extraction activities. |
| ODOR | Manure is generated by livestock. It is often spread on fields as fertilizer. It may have a foul odor for a time and may attract or serve as a breeding ground for insects. |
| DUST | The cultivation of fields at different times of the year can generate large amounts of dust that may drift onto adjoining properties. |
| CHEMICALS | Commercial chemicals and fertilizers may be used at different times of the year that may drift onto adjoining lands due to wind conditions. |

Odor, dust, and chemicals may aggravate allergies, affect well water, and otherwise impact your health.

This information sheet received this day ____ of 20 ____.

(Buyer)

(Buyer)

ATTACHMENT G

Sample Restrictive Covenant (Section 20.21.05)
Sample Language for Certified Survey Map and Other Documents of Conveyance (Section
20.21.05)

RESTRICTIVE COVENANT

THIS COVENANT, made this ____ day of _____, _____, by _____, hereinafter “Owner.”

WHEREAS, Owner is the owner of the following-described real estate: _____, Tax Parcel No. _____ (hereinafter “Property”); and

WHEREAS, the Property was created by a land division approved by the Town of Holland, Sheboygan County, Wisconsin on _____; and

WHEREAS, Section 20.21.05 of the Town of Holland Zoning Ordinance provides that if a parcel is divided by certified survey map or subdivision into two or more parcels, then no further divisions of any of those parcels are permitted for a period of ten years from the date of such land division approval, except under certain limited circumstances, and that a separate restrictive covenant acknowledging the restriction on further land divisions be recorded with the Register of Deeds;

NOW, THEREFORE, the Owner hereby declares and acknowledges that the Property is subject to the restriction on further land divisions is set forth in Section 20.21.05 of the Town of Holland Zoning Ordinance.

IN WITNESS WHEREOF, Owner has executed this document this ____ day of _____, _____.

_____(SEAL)

_____(SEAL)

APPENDIX

UNOFFICIAL ATTACHMENTS TO ZONING ORDINANCE

STATE OF WISCONSIN)

(ss.

COUNTY OF _____)

Personally came before me this ____ day of _____, _____, the above
named _____ and _____ to me
known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of WI
My commission expires:

This instrument Drafted By:

Sample Language for Certified Survey Map and Other Documents of Conveyance

“This property is subject to the restriction on further land divisions as set forth in Section 20.21.05 of the Town of Holland Zoning Ordinance.”